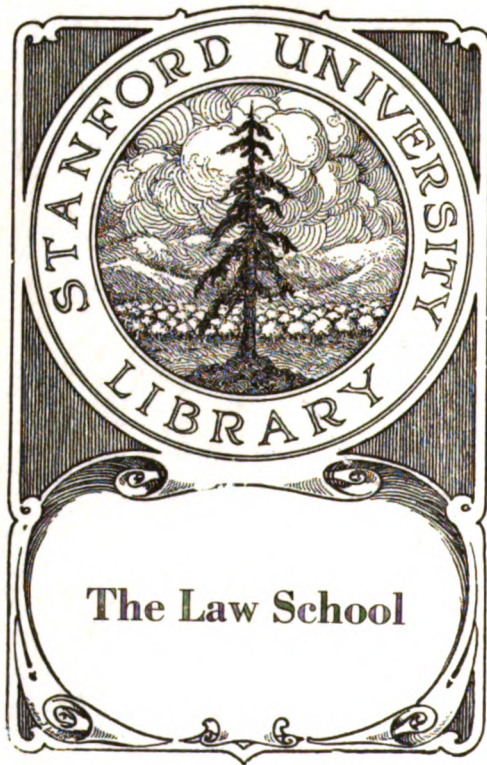

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Phyllis

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THE
PUBLIC GENERAL ACTS
and the
Church Assembly Measures
of
1947

Being those which received the Royal Assent
in the
Tenth, Eleventh and Twelfth Years of the Reign of
His Majesty

King George The Sixth

In the Second and Part of the Third Session of the
Thirty-Eighth Parliament of the United Kingdom of
Great Britain and Northern Ireland

with
Tables of the Short Titles and of
The Effect of Legislation
and an Index

[IN TWO VOLUMES]

VOLUME II

Public General Acts, 10 & 11 Geo. 6, Chapters 48 to 55 and
11 & 12 Geo. 6, Chapters 1 to 13



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[6th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

GUARANTEED PRICES AND ASSURED MARKETS.

1.—(1) The following provisions of this Part of this Act shall have effect for the purpose of promoting and maintaining, by the provision of guaranteed prices and assured markets for the produce mentioned in the First Schedule to this Act, a stable and efficient agricultural industry capable of producing such part of the nation's food and other agricultural produce as in the national interest it is desirable to produce in the United Kingdom, and of producing it at minimum prices consistently with proper remuneration and living conditions for farmers and workers in agriculture and an adequate return on capital invested in the industry.

Provisions for securing efficient agricultural production and proper agricultural conditions.

(2) This Part of this Act shall extend to Scotland and Northern Ireland.

2.—(1) As at such date in each year as the Ministers may determine, they shall review the general economic condition and prospects of the agricultural industry.

Annual and special reviews of condition of agricultural industry.

(2) If it appears to the Ministers at any time between two annual reviews under the last foregoing subsection that there has been, or there is likely to be, a change in the economic condition of the agricultural industry or any section thereof,

PART I.
—*cont.*

arising (otherwise than in the course of a continuous development) from a substantial alteration of costs of production or any other special cause, and that the change is or is likely to be of sufficient importance to require that the Ministers should exercise their powers under this subsection, the Ministers may hold a special review of the matters referred to in the last foregoing subsection, in so far as they are or may be affected by the change.

(3) In holding any review under this section the Ministers shall consult with such bodies of persons as appear to them to represent the interests of producers in the agricultural industry.

Variation of factors determining operation of arrangements for providing guaranteed prices and assured markets.

3.—(1) Any fixing or variation of any price, method of calculating a price, or other factor affecting the operation of any arrangements—

- (a) which are in operation by virtue of any enactment (including an enactment contained in this Part of this Act); and
- (b) of which the object or one of the objects is the provision of guaranteed prices or assured markets for producers of produce mentioned in the First Schedule to this Act,

which under the enactments regulating the operation of the arrangements is authorised or required to be carried out by a Minister or other authority shall be carried out in the light of the Ministers' conclusions from reviews held by them under the last foregoing section.

(2) Where in consequence of an annual or special review held by the Ministers under the last foregoing section it appears to the appropriate Minister expedient so to do, or if it appears to him otherwise expedient so to do in the public interest, he may by order fix or vary any such price or other factor as aforesaid notwithstanding that under the enactments regulating the operation of the arrangements in question there is no power to fix or vary the factor or it would fall to be fixed or varied at some other time or in some other manner or by some person other than him:

Provided that—

- (a) the appropriate Minister shall not exercise his powers under this subsection in any manner which in his opinion would reduce the amounts payable to producers in respect of produce mentioned in the First Schedule to this Act except where it appears to him expedient so to do in consequence of an annual or special review held by the Ministers under the last foregoing section;

PART I.
—*cont.*

- (b) where the appropriate Minister fixes or varies any factor appearing to him to affect the quantity of any produce in relation to which any such arrangements as aforesaid are to have effect, he shall so exercise his powers under this section as to secure that all other factors appearing to him to affect the amounts payable to producers under the said arrangements in respect of that produce shall (except in so far as it appears to him, after considering any such other factor which has already been fixed, that no variation thereof is expedient in consequence of the fixing or variation of the said factor affecting quantity) be fixed or varied as nearly as may be at the same time as he fixes or varies the said factor affecting quantity.

4.—(1) Where it appears to the appropriate Minister that arrangements such as are mentioned in subsection (1) of the last foregoing section which are in operation in the case of any of the produce mentioned in the First Schedule to this Act are in any respect not well adapted for securing their object, or that no satisfactory arrangements such as are mentioned in the said subsection (1) are in operation in the case of that produce, he may by order provide—

Power to
supplement
arrangements.

- (a) for varying the methods by which under any such arrangements the object thereof is to be achieved;
- (b) where no such arrangements are in operation, for bringing into operation, or where such arrangements are in operation for replacing or supplementing them by, such provisions as appear to him expedient for providing guaranteed prices or assured markets as mentioned in the said subsection (1), including (but without prejudice to the generality of the foregoing provisions of this paragraph) provisions for all or any of the following matters, that is to say—

(i) for securing that, subject to any specified limits of quantity, a producer who has failed to effect a sale at a specified price through the ordinary means of trading in produce mentioned in the First Schedule to this Act shall, subject to the specified conditions, be enabled to sell the produce at the specified price to such person as may be specified;

(ii) for authorising the purchase, by such person as may be specified and subject to the specified conditions, of such produce as aforesaid which the producer offers for sale in the specified manner;

PART I.
—cont.

(iii) for authorising the making of payments at the specified rate per acre to producers of any such produce as aforesaid, subject to the specified conditions and to any specified power to reduce or withhold payment on specified grounds.

(2) No order under this section shall have effect after the expiration of the period of three years from the passing of this Act:

Provided that at any time before the expiration of the said period of three years, or of that period as extended under this proviso, the Ministers may by order direct that the said period shall be extended for a further year.

(3) The provisos to subsection (2) of the last foregoing section shall apply for the purposes of subsection (1) of this section as they apply for the purposes of the said subsection (2), and no order shall be made under subsection (1) of this section except after consultation with such bodies of persons as appear to the appropriate Minister to represent the interests of producers of the produce in question.

Provisions for
enabling
producers to
plan ahead.

5.—(1) The appropriate Minister shall exercise his powers under the foregoing provisions of this Part of this Act so as to secure—

- (a) in the case of produce mentioned in the First Schedule to this Act being wheat, barley, oats, rye, potatoes or sugar beet, that the relevant factors determined in consequence of any annual review are determined in the year in which the review is held and so as to relate to the crops harvested in the year beginning on the first day of July in the calendar year next following that in which the review is held;
- (b) in the case of any other produce mentioned in the said First Schedule, that the relevant factors determined in consequence of any annual review are determined as soon as may be after the completion thereof and so as to apply to such produce referable to the period of one year beginning on such date after the completion of the review as may be specified by the appropriate Minister at the time when the factors are determined.

(2) The Ministers shall, in the light of their conclusions from the annual review held by them in the year nineteen hundred and forty-eight and each subsequent alternate year, by order fix minimum terms for the relevant factors relating to the following produce mentioned in the First Schedule to this Act, that is to say milk, cattle, sheep, pigs and eggs; and where minimum terms have been fixed for any

relevant factor that factor shall not, so far as it relates to any of the said produce referable to the period of two years beginning on the specified date in the second calendar year after the year in which the review in question was held, be fixed or varied, whether under the foregoing provisions of this Part of this Act or otherwise, so as to be less beneficial to the producer than if it had been fixed or varied in accordance with the minimum terms.

(3) The periods to which produce is to be referable for the purposes of the two last foregoing subsections shall be determined by order of the Minister or Ministers therein referred to.

(4) In this section the expression "relevant factor" means any factor which appears to the Minister or Ministers making the order in question to affect, under any such arrangements as are referred to in subsection (1) of section three of this Act, the amounts payable to producers in respect of the produce in question, being a factor as to which the Minister or Ministers in question is or are of opinion that it is practicable at the time required by subsection (1) or subsection (2) of this section, as the case may be, to determine the factor or to fix minimum terms therefor.

6.—(1) The Ministers may, after consultation with such bodies of persons as appear to them to represent the interests of producers of the produce in question, by order direct that the First Schedule to this Act shall have effect, for the purposes of all or any of the provisions of this Part of this Act, with the addition thereto of any such produce as may be specified.

Power to vary
scheduled
produce.

(2) Any order under this section may make such modifications of the provisions of the last foregoing section as appear to the Ministers consequential on the making of the order.

7.—(1) Any order under this Part of this Act shall be made with the approval of the Treasury.

Orders under
Part I.

(2) An order under section four or six of this Act shall be of no effect unless approved by resolution of each House of Parliament.

(3) Any other order under this Part of this Act shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the order is laid before it, resolves that an Address be presented to His Majesty praying that the order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

PART I.
—*cont.*

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) An order under this Part of this Act may make different provisions for different circumstances, and in particular in relation to any produce may make different provisions for different qualities or descriptions thereof or for different seasons of the year or according to the purpose for which the produce is to be used.

(5) In this Part of this Act the expression “ specified ” means specified by or under an order under this Part of this Act.

(6) For the purposes of any order made by a Minister and relating to produce mentioned in the First Schedule to this Act, a certificate of that Minister whether the object or one of the objects of any arrangements is such as is mentioned in paragraph (b) of subsection (1) of section three of this Act shall be conclusive.

**Interpretation
of Part I.**

8.—(1) In this Part of this Act the expression “ the Ministers ” means the Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland, acting jointly; and the expression “ the appropriate Minister ” means in relation to any part of the United Kingdom the Minister concerned with agriculture therein or the Minister of Food.

(2) Reference in this Part of this Act to the provision of guaranteed prices for producers shall include references to the provision of payments to them (whether by reference to acreage or otherwise) in respect of produce mentioned in the First Schedule to this Act, as an alternative to the provision of guaranteed prices.

PART II.

GOOD ESTATE MANAGEMENT AND GOOD HUSBANDRY.

**Duties of
good estate
management
and good
husbandry.**

9. The following provisions of this Part of this Act shall have effect for the purpose of securing that owners of agricultural land fulfil their responsibilities to manage the land in accordance with the rules of good estate management, and that occupiers of agricultural land fulfil their responsibilities to farm the land in accordance with the rules of good husbandry.

*Rules of good estate management and good husbandry.*PART II.
—cont.

10.—(1) For the purposes of this Act, an owner of agricultural land shall be deemed to fulfil his responsibilities to manage it in accordance with the rules of good estate management in so far as his management of the land and (so far as it affects the management of that land) of other land managed by him is such as to be reasonably adequate, having regard to the character and situation of the land and other relevant circumstances, to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as respects both the kind of produce and the quality and quantity thereof.

(2) In determining whether the management of land is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which the owner is providing, improving, maintaining and repairing fixed equipment on the land in so far as is necessary to enable an occupier of the land reasonably skilled in husbandry to maintain efficient production as aforesaid.

(3) The responsibilities under the rules of good estate management of an owner of land in the occupation of another person shall not in relation to the maintenance and repair of fixed equipment include an obligation to do anything which that other person is under an obligation to do by virtue of any agreement.

11.—(1) For the purposes of this Act, the occupier of an agricultural unit shall be deemed to fulfil his responsibilities to farm it in accordance with the rules of good husbandry in so far as the extent to which and the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the owner and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity thereof, while keeping the unit in a condition to enable such a standard to be maintained in the future.

(2) In determining whether the manner in which a unit is being farmed is such as aforesaid, regard shall be had, but without prejudice to the generality of the provisions of the last foregoing subsection, to the extent to which—

- (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good condition;

PART II.
—*cont.*

- (b) the manner in which arable land is being cropped is such as to maintain that land clean and in a good state of cultivation and fertility and in good condition;
- (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
- (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
- (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
- (f) the necessary work of maintenance and repair is being carried out.

(3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him shall not include an obligation to carry out any work of maintenance or repair which the owner of the unit or any part thereof is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.

Supervision Orders.

Power of
Minister to
supervise
estate
management
and
husbandry.

12.—(1) Where the Minister of Agriculture and Fisheries (hereafter in this Act referred to as “the Minister”) is satisfied that the owner of agricultural land is not fulfilling his responsibilities to manage the land in accordance with the rules of good estate management, or that the occupier of an agricultural unit is not fulfilling his responsibilities to farm the unit in accordance with the rules of good husbandry, the Minister, after affording to the owner or occupier, as the case may be, an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, may by order (hereafter in this Part of this Act referred to as a “supervision order”) place the owner under the Minister’s supervision so far as relates to his management of the land, or the occupier under the Minister’s supervision so far as relates to his farming of the unit, as the case may be; and while such an order is in force—

- (a) any person authorised by the Minister in that behalf may at all reasonable times enter upon the land to which the order relates for the purpose of inspecting the way in which it is being managed or farmed, as the case may be;

- (b) the Minister shall have the powers of direction and dispossession conferred by the following provisions of this Part of this Act.

For the avoidance of doubt it is hereby declared that the fact that a person is both the occupier of the unit and also the owner of the unit or part thereof does not prevent the making of orders under this subsection placing him under supervision both in relation to farming and in relation to management.

(2) While a supervision order is in force, the Minister shall from time to time review the management (if the order relates to management) or the farming (if the order relates to farming) of the land or agricultural unit to which the order relates, and—

(a) a review shall be held under this subsection as soon as may be after the expiration of twelve months from the coming into operation of the order, and, where one or more reviews have already been held under this subsection in relation to the order, such a review shall be held as soon as may be after the expiration of twelve months from the previous or last such review;

(b) a review under this subsection shall be held after affording to the person to whom the order relates an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister.

(3) Where a supervision order is in force and the Minister is satisfied that by reason of the standard of management or husbandry, as the case may be, attained by the person to whom the order relates it is no longer necessary that the order should continue in force, the Minister shall revoke the order:

Provided that the revocation of the order shall not affect any direction given thereunder in so far as it is in force immediately before the revocation of the order.

(4) Forthwith after the making of a supervision order the Minister shall serve a copy of the order on the person to whom it relates, and forthwith after the revocation of such an order the Minister shall serve notice of the revocation on the person to whom the order related.

(5) Where the owner of land is not also the occupier thereof—

(a) an opportunity of making representations to the Minister shall be afforded under subsection (1) or (2) of this section both to the owner and to the occupier, and not only to the person for whose supervision the Minister is considering making the order or the person to whom the order relates, as the case may be;

PART II.
—*cont.*

- (b) any service of a copy of an order or of a notice required by the last foregoing subsection shall be effected both on the owner and on the occupier, and not only on the person to whom the order relates or related.

(6) Forthwith after the making of a supervision order it shall be registered, in the manner provided for under paragraph (b) of this subsection, in the register of local land charges by the proper officer of the council of each county borough or county district in which the land to which the order relates or any part thereof is situated, or, if that land or any part thereof is situated in the administrative county of London, by the proper officer of the London County Council; and—

- (a) it shall be the duty of the Minister forthwith after a supervision order has been made to notify that fact to the proper officer of any council by whom the order is required to be registered as aforesaid and to furnish to him all information relating to the order requisite in that behalf;

15 & 16 Geo. 5.
c. 22.

- (b) the power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection.

(7) If while a supervision order is in force in relation to the farming of an agricultural unit additional land becomes comprised in the unit, the supervision order shall by virtue of this subsection extend to the farming of that additional land, and references in this Act to the coming into operation of the order shall be construed as references to the date at which the order originally came into operation as well in relation to the additional land as in relation to any other land to which the order relates:

Provided that nothing in this subsection shall be construed as imposing on any person any liability with respect to the additional land at a date before it became part of the said agricultural unit.

Changes of owner or occupier effected without approval of Minister not to invalidate supervision orders.

13. Where a supervision order is in force in respect of an owner or occupier, any disposition of land to which the order relates, other than a testamentary disposition, whereby some other person becomes the owner or occupier of that land shall not, unless approved by the Minister either before or after the disposition is completed, affect the continued operation of the supervision order, and accordingly in default of such approval the supervision order shall continue in force so far

as it relates to that land (but subject to the provisions of subsection (3) of the last foregoing section) as if it had been made so as to relate to the new owner or occupier, as the case may be, as well as to the former owner or occupier.

PART II.
—*cont.*

*Directions to secure good estate management
and good husbandry.*

14.—(1) Where a supervision order is in force, the Minister, after affording to the person to whom the order relates an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, may by notice in writing served on the person to whom the order relates give to that person such directions as the Minister is satisfied are required—

Directions to
secure good
estate
management
and good
husbandry.

(a) where the order is for the supervision of the management of land, to secure that the said person fulfils his responsibilities to manage the land in accordance with the rules of good estate management;

(b) where the order is for the supervision of the farming of an agricultural unit, to secure that the said person fulfils his responsibilities to farm the unit in accordance with the rules of good husbandry.

(2) Without prejudice to the generality of the provisions of the last foregoing subsection, in so far as it appears to the Minister requisite for the purposes of that subsection—

(a) a direction under paragraph (a) thereof may impose requirements, restrictions or prohibitions as to the carrying out of work and may require that the management to which the direction relates shall be entrusted to a person appointed by the owner to whom the direction relates and approved by the Minister;

(b) a direction under paragraph (b) thereof may impose requirements, restrictions or prohibitions as to the carrying out of work and as to the purpose for which and the manner in which land is to be used for agricultural production:

Provided that a direction under the said paragraph (b) shall not be given to the tenant of a holding (as defined in the Agricultural Holdings Act, 1923, and Part III of this Act) to carry out on the holding any improvement falling within Part I of the Third Schedule to this Act unless either the landlord has (whether on the application of the tenant or of the Minister) consented in accordance with the said Part III to the carrying out of the improvement or by virtue of the provisions of the said Act of 1923 and this Act relating to market gardens compensation for the carrying out of the improvement does not depend on the landlord's consent thereto.

PART II.
—*cont.*

(3) Any direction requiring only the doing of one or more of the following things, that is to say, the provision, improvement, maintenance or repair of fixed equipment, which could be given under subsection (1) of this section while a supervision order is in force may be given notwithstanding that no such order is in force.

(4) If any person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(5) Without prejudice to the bringing of proceedings under the last foregoing subsection, where a direction under this section to carry out any work is not complied with any person authorised by the Minister in that behalf may enter upon the land to which the direction relates and any other land managed or, as the case may be, farmed in conjunction therewith, and carry out the work required by the direction, and the reasonable cost of carrying out work in the exercise of powers conferred by this subsection shall be recoverable by the Minister from the person to whom the direction was given.

(6) Any dispute arising under the last foregoing subsection as to what is the reasonable cost of any work shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

(7) Any person who obstructs a person acting in the exercise of powers conferred by subsection (5) of this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(8) Where a direction under this section provides for the doing of anything within a specified time and (whether before or after the expiration of the said time) the Minister is satisfied that it is reasonable that the said time should be extended, he may extend it accordingly.

**Supplementary
provisions as
to directions.**

15.—(1) The Minister shall not give to the owner of land consisting of or comprised in any agricultural unit a direction under the last foregoing section to provide fixed equipment on that land until, after affording to the owner an opportunity of making representations to the Minister, as required by subsection (1) thereof, the Minister has given to the owner notice in writing of the proposal to give the direction, specifying the nature of the direction which the Minister proposes to give.

The references in this and the next following subsection to the provision of fixed equipment include references to the

provision thereof by the conversion of existing fixed equipment and the improvement thereof by the enlargement of buildings.

PART II.
—cont.

(2) An owner to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions of the said Part V shall apply accordingly, in any case in which the owner proves to the satisfaction of the Tribunal that—

- (a) the estimated reasonable cost of the work involved in the proposal, and
- (b) the cost borne by the owner of any other work for providing fixed equipment on the agricultural unit carried out within the two years immediately preceding the service of the notice, being work requisite for compliance with the owner's responsibilities to manage in accordance with the rules of good estate management,

together exceed the annual value of the land owned by him and comprised in the agricultural unit, or in any case in which either an authority or person has at the time when the notice is given power without further authorisation to acquire compulsorily the land to which the notice relates or at that time that land is designated by a development plan under the enactments relating to town and country planning as subject to compulsory acquisition, or designated by an order under section one of the New Towns Act, 1946.

9 & 10 Geo. 6.
c. 68.

For the purposes of this subsection, the annual value of land shall be taken to be the annual value thereof as determined for the purposes of income tax under Schedule A of the Income Tax Act, 1918, at the time when the notice under the last foregoing subsection was given, or, if the land is not a unit for which the annual value was then determined for those purposes, such proportion thereof as the Agricultural Land Tribunal may determine to be appropriate.

8 & 9 Geo. 5.
c. 40.

(3) Where, for the purposes of determining whether a direction under the last foregoing section is to be given to the owner or occupier of land which is let, it is necessary to ascertain the respective liabilities of the owner and occupier under the contract of tenancy in relation to fixed equipment, the Minister may by notice in writing served on the owner or the occupier require him within twenty-one days from the service of the notice if there is an agreement in writing relating to the said liabilities to send or produce the agreement or a copy thereof for inspection by such person as may be specified in the notice, and in any case within the said twenty-one days to furnish in such manner and to such person as may

PART II.
—*cont.*

be so specified such information as to the said liabilities of the owner and occupier, in so far as they do not depend on an agreement in writing, as may be so specified, and—

- (a) if where a requirement is made under this subsection an owner or occupier fails to comply therewith, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues;
- (b) if in purported compliance with such a requirement an owner or occupier knowingly or recklessly furnishes any copy of an agreement or any information which is false in any material particular, he shall be liable to the penalties specified in subsection (7) of the last foregoing section.

(4) Where a direction is proposed to be given under the last foregoing section to an owner who is not the occupier of the land in question or to an occupier who is not the owner thereof, and the proposed direction would require the provision, improvement, maintenance or repair of fixed equipment, or the ploughing-up of permanent pasture, an opportunity of making representations to the Minister shall be afforded under subsection (1) of the last foregoing section both to the owner and to the occupier, and not only to the person to whom it is proposed to give the direction.

(5) The provisions of the Second Schedule to this Act shall have effect where a direction is given under the last foregoing section requiring the ploughing-up of permanent pasture or the carrying out of other acts of cultivation.

(6) Where the tenant of a holding (as defined in the Agricultural Holdings Act, 1923, and Part III of this Act) in pursuance of a direction under the last foregoing section carries out on the holding any improvement specified in Part II of the Third Schedule to this Act, the direction shall have effect, as respects the right of the tenant to compensation for the improvement, as if it were the approval of the Minister given in accordance with the said Part III to the carrying out of the improvement, and—

- (a) without prejudice to the provisions of subsection (4) of this section the direction shall be given after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister;
- (b) the direction may impose on the tenant such terms, whether as to reduction of the compensation which would be payable apart from the terms or as to other matters, as appear to the Minister to be just.

(7) Where the Minister proposes to give such a direction as is mentioned in subsection (1) of this section, or where a proposal to give such a direction is referred to the Agricultural Land Tribunal in accordance with subsection (2) thereof, the Minister or, as the case may be, the Tribunal may require the surveyor of taxes for the district in which the land is situated to furnish information as to the annual value of the land as determined for the purposes mentioned in the said subsection (2).

Dispossession of owners or occupiers on grounds of bad estate management or bad husbandry.

16.—(1) Where a supervision order is in force in relation to the management of land, and the Minister is satisfied that the management thereof does not while the order is in force show satisfactory improvement, and certifies accordingly, the Minister shall subject to the provisions of this section have power to purchase compulsorily in accordance with the provisions of this Act in that behalf the land to which the order relates or any part of that land.

Dispossession
on grounds of
bad estate
management.

(2) Where the Minister proposes to purchase any land under the last foregoing subsection and is satisfied that it is necessary for the purpose of securing the proper management thereof that he should acquire any other land which is being managed by the same person in conjunction with the first-mentioned land, and certifies accordingly, the Minister shall subject to the provisions of this section have power to purchase that other land compulsorily in accordance with the provisions aforesaid.

(3) Where any person having an interest in land, by notice in writing served on the Minister within six months of the giving by the Minister of a certificate under the foregoing provisions of this section relating to any other land, represents to the Minister that the first-mentioned land was at the time when the certificate was given being managed in conjunction with that other land and that it is not reasonably practicable to manage it except in conjunction therewith, and requires that the Minister shall purchase the said interest, then unless the Minister is satisfied that the representation is not justified and certifies accordingly before the expiration of the prescribed period, the Minister shall be deemed on the date on which the said period expires to have been authorised to purchase the interest compulsorily in accordance with the provisions of this Act in that behalf and to have served a notice to treat in respect of the interest on that date.

The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, 9 & 10 Geo. 5.

PART II.
—*cont.*

to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this subsection.

(4) The Minister shall not give any certificate under subsection (1), (2) or (3) of this section until, after affording to any such person as is specified in subsection (6) of this section an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister has given to any such person as is so specified notice in writing of the proposal to give the certificate together with such particulars as appear to the Minister requisite for informing him of the general grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.

(5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.

(6) The persons referred to in subsection (4) of this section are, in the case of a proposed certificate under subsection (1) or (2) of this section—

9 & 10 Geo. 6.
c. 49.

(a) every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate, and

15 & 16 Geo. 5.
c. 18.

(b) if the certificate relates to land which is settled land within the meaning of the Settled Land Act, 1925, any other person entered on the register kept for the purposes of this Part of this Act who is a trustee of the settlement or who under the settlement has a vested interest in the land immediately following upon the interest of the person beneficially entitled to the land in possession, or who being an infant is beneficially entitled to the land in possession:

in the case of a proposed certificate under subsection (3) of this section, the person by whom the representation in question was made.

(7) No certificate under subsection (1) or (2) of this section shall be given until not less than twelve months has expired from the coming into operation of the supervision order in question, except where the person who for the time being is

the owner to whom the order relates has failed to comply with any direction under the foregoing provisions of this Part of this Act given to him as the owner—

PART II.
—*cont.*

- (a) in the case of a proposed certificate under subsection (1) of this section, of the land to which the proposed certificate is to relate,
- (b) in the case of a proposed certificate under subsection (2) thereof, of the land proposed to be acquired under subsection (1) of this section;

and no person on whom a notice to treat is served under powers conferred by either of the said subsections (1) and (2) shall be required to convey his interest to the Minister, or if he is in occupation of the land in question to give up the occupation thereof, before the expiration of three months from the service of the notice to treat.

17.—(1) Where a supervision order is in force in relation to the farming of an agricultural unit, and the Minister is satisfied that the farming thereof does not while the order is in force show satisfactory improvement, then subject to the provisions of this section—

Dispossession
on grounds
of bad
husbandry.

- (a) where in the case of any land comprised in the unit the occupier is not the owner thereof, the Minister shall have power by order to terminate his interest in that land, or any part thereof specified in the order, as from such date not earlier than three months after the making of the order as may be specified therein, and to require that the owner shall as from the said date either farm it himself, if he so elects and the Minister approves, or let it to a tenant approved by the Minister;
 - (b) where in the case of any land comprised in the unit the occupier is the owner thereof, the Minister shall have power by order to direct that as from such date as aforesaid the occupier shall give up his occupation of that land, or any part thereof specified in the order, and let it to a tenant approved by the Minister.
- (2) The Minister shall not make an order under the last foregoing subsection until, after affording to the occupier and, in the case of a proposal to make an order under paragraph (a) thereof, to the owner of the land to which the proposed order is to relate an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, the Minister has given to the occupier, and in such a case as aforesaid to the said owner, notice in writing of the proposal to make the order, together with such particulars as appear to the Minister requisite for

PART II.
—*cont.*

informing the recipient of the notice as to the general grounds on which the Minister is satisfied as mentioned in subsection (1) of this section.

(3) An occupier or owner to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.

(4) No order under subsection (1) of this section shall be made until not less than twelve months has expired from the coming into operation of the supervision order in question, except where the person who for the time being is the occupier to whom the supervision order relates has failed to comply with any direction under the foregoing provisions of this Part of this Act given to him as the occupier of land comprised in the agricultural unit to which the proposed order under subsection (1) of this section is to relate.

(5) For the avoidance of doubt it is hereby declared that the termination under paragraph (a) of subsection (1) of this section of the interest of a tenant in any land is to be treated, for the purposes of the provisions relating to compensation of the Agricultural Holdings Act, 1923, and of Part III of this Act, as the termination of his tenancy of the land, but nothing in this section shall be construed as entitling the tenant to any compensation for disturbance.

(6) Where under paragraph (a) of subsection (1) of this section an order is made terminating the interest of a tenant in part only of a holding (as defined in the said Act of 1923 and Part III of this Act),—

- (a) the said provisions relating to compensation shall apply as if the part to which the order relates were a separate holding; and
- (b) the tenant shall be entitled to a reduction of rent proportionate to the part to which the order relates, and the amount of that reduction shall be settled by arbitration under the said Act of 1923.

(7) Where the interest of an occupier in any land is terminated under subsection (1) of this section, or an occupier is required thereunder to give up his occupation of any land, and at any time after the date specified for the purposes of that subsection the occupier remains in possession of the land, the Minister may make complaint to a court of summary jurisdiction and thereupon the court shall by its warrant order vacant possession of the land to be given to the Minister forthwith.

A warrant under this subsection shall subject to the necessary modifications be in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect.

18.—(1) Where, at the date as from which a person is required under paragraph (a) or (b) of subsection (1) of the last foregoing section himself to farm any land or to let it to a person approved by the Minister, the person on whom the requirement is imposed has not complied therewith, the Minister may take possession of the land for the purpose of farming it, and—

PART II.
—cont.

Power of
Minister to
take possession
where
occupier
dispossessed
and no other
arrangements
made.

- (a) on the Minister taking possession of the land any tenancy thereof granted without the Minister's approval and since the imposition of the requirement shall be deemed to have terminated by reason of a notice to quit duly given by the landlord, and
- (b) subsection (7) of the last foregoing section shall apply in relation to the tenant whose tenancy is deemed to have terminated as aforesaid as it applies in relation to an occupier whose interest is terminated under subsection (1) of that section.

(2) While the Minister is in possession of land under this section, it shall be his duty to secure that it is farmed in accordance with the rules of good husbandry either—

- (a) by a person acting under the direction of the Minister, or
- (b) by a person entrusted by the Minister with the farming thereof on such terms, being terms which in the opinion of the Minister would be appropriate to a letting thereof to a tenant from year to year, as may be agreed between the Minister and the said person;

and subject to the provisions of this section the Minister and the person who, apart from any tenancy deemed to have terminated under paragraph (a) of subsection (1) of this section, for the time being would be entitled to possession of the land but for the exercise by the Minister of his powers under this section (hereafter in this section referred to as "the landlord") shall have the like rights against and liabilities to each other as if the Minister were a tenant of the land under a tenancy from year to year beginning on the date on which the Minister took possession of the land and granted by the landlord under a tenancy agreement containing such provisions (other than provisions as to rent or any such payment as is mentioned in the next following subsection) as may be agreed between the Minister and the landlord, and providing for the making of payments by the Minister of such amounts at such times as a tenant under such an agreement might reasonably be expected to make by way of rent.

PART II.
—*cont.*

(3) On the Minister taking possession of land under this section there shall be ascertained—

(a) the amount (if any) in addition to rent which might reasonably have been expected to be payable by an incoming tenant, under the agreement referred to in the last foregoing subsection, in respect of things previously done for the purposes of the farming of the land, and in respect of seeds, tillages, growing crops and other matters;

(b) the cost of the carrying out of any work which under the rules of good husbandry or under a contract of tenancy ought to have been carried out on the land by the occupier before the Minister took possession thereof, being work which is necessary for putting the land into good tenantable condition,

and if the said amount is greater than the said cost the difference shall be recoverable from the Minister by the landlord, and if less the difference shall be recoverable from the landlord by the Minister.

(4) Where the Minister has taken possession of land under this section in consequence of the termination of the interest of a tenant, then without prejudice to the responsibilities of the landlord under the rules of good estate management he shall be liable to the Minister to carry out any work which under the contract of tenancy with the tenant the owner of the reversion expectant upon the termination of the tenancy was liable to carry out, being work which is necessary for putting the land into good tenantable condition; and any such liability shall be enforceable by the Minister in like manner as if it were imposed by the agreement referred to in subsection (2) of this section.

(5) The Minister shall be entitled to continue in possession of land under this section—

(a) where it is being farmed by a person acting under the direction of the Minister, and it is shown to the Minister that the landlord has made arrangements satisfactory to the Minister for the farming of the land by himself or by a person approved by the Minister, until the next twenty-ninth day of September, eleventh day of October, twenty-fifth day of March, or sixth day of April, as may be specified in a notice in writing served on the Minister by the landlord not later than two months before the said day;

(b) where it is being farmed by a person to whom the Minister has entrusted the farming thereof, until that person is entitled to possession of the land as tenant thereof under an agreement with the landlord approved by the Minister.

(6) Nothing in subsection (2) of this section shall entitle the Minister, on giving up possession of land, to compensation for disturbance; but save as aforesaid that subsection shall apply as if when the Minister gives up possession he were quitting the land on the termination of the tenancy referred to in that subsection by notice to quit duly given by the landlord.

PART II.
—*cont.*

(7) The enactments relating to income tax and the enactments relating to land tax, and in particular such of those enactments as relate to the deduction of tax from rent and to the taxation of excess rents, shall apply—

(a) in relation to payments made under subsection (2) of this section by the Minister to the landlord, as if the Minister were a tenant and the landlord were a lessor of the land under such a tenancy agreement as is mentioned in the said subsection (2) and the payments were rent paid thereunder;

(b) in relation to payments made by any such person as is mentioned in paragraph (b) of that subsection to the Minister, as if the said person were a tenant and the Minister were a lessor of the land under such a letting as is mentioned in the said paragraph (b) and the payments were rent paid thereunder.

(8) Any question arising under subsections (2) to (6) of this section between the Minister and the landlord shall in default of agreement be determined by arbitration under the Agricultural Holdings Act, 1923.

19.—(1) On any review under subsection (2) of section twelve of this Act of the management of land or farming of an agricultural unit of which the owner is not also the occupier,—

(a) if the review is of management, the representations under paragraph (b) of that subsection of the occupier may include a request that the Minister shall exercise his powers under subsection (1) of section sixteen of this Act in relation to the land;

(b) if the review is of farming, the representations under the said paragraph (b) of any owner of land comprised in the agricultural unit may include a request that the Minister shall exercise his powers under subsection (1) of section seventeen of this Act in relation to the said land.

(2) Where such a request is made the Minister shall not comply therewith unless he is satisfied that the management or farming, as the case may be, has not shown satisfactory improvement while the supervision order has been in force, but save as aforesaid may, subject to the provisions of this section, either comply with or refuse the request.

Power of
tenant or
landlord to
apply for
dispossession
of owner or
occupier under
supervision.

PART II.
—cont.

(3) If the Minister proposes to refuse such a request, he shall give notice in writing of his proposal to the owner and to the occupier.

(4) If before the expiration of the prescribed period from the making of such a request no notice has been given either under the last foregoing subsection of a proposal to refuse the request or under section sixteen or seventeen of this Act of a proposal complying with the request, the Minister shall be deemed to have given notice of his proposal to refuse the request.

(5) Where notice of a proposal to refuse such a request is given or deemed to have been given, the person by whom the request is made may require that the proposal shall be referred to the Agricultural Land Tribunal constituted under Part V of this Act, and the provisions in that behalf of the said Part V shall apply accordingly.

(6) Where in consequence of a reference to the Agricultural Land Tribunal under the last foregoing subsection the Minister complies with such a request as aforesaid, the provisions of subsections (4) and (5) of section sixteen of this Act or subsections (2) and (3) of section seventeen thereof, as the case may be, shall not apply to any action of the Minister necessary to comply with the request.

Supplementary.

Service of
notices on
agents.

20.—(1) Without prejudice to the general provisions of Part V of this Act as to the service of notices, any notice required or authorised to be served on an owner or occupier by the provisions of this Part of this Act relating to the making of supervision orders and the giving of directions shall, where an agent or servant of the owner or occupier is responsible for the control of the management or farming, as the case may be, of the land in question, be duly served if served on that agent or servant:

Provided that where by virtue of this subsection any notice is served in connection with a direction to entrust the management of land to a person approved by the Minister, and the owner of the land is entered on the register kept for the purposes of this Part of this Act, a copy of the notice shall be served on the owner at the address entered on the register in that behalf.

(2) Anything which under subsection (3) of section fifteen of this Act may be required to be done by an owner or occupier may, where such an agent or servant as aforesaid is responsible for the control of the management or farming, as the case may be, of the land in question, be required to be done by the said agent or servant, and references in paragraphs (a) and (b) of the said subsection (3) to an owner or occupier shall be construed accordingly.

21.—(1) In this Part of this Act, the expression “ owner ”, subject to the provisions of the next following subsection, means the person in whom for the time being is vested the legal estate in fee simple.

PART II.
—*cont.*
Interpretation
of references
in Part II to
“ owner ” and
“ manager ”;
and registra-
tion of certain
owners,
trustees, etc.

(2) Where, in relation to all or any of the provisions of this Part of this Act,—

(a) all persons appearing to the Minister to be concerned agree, with the approval of the Minister, that some person shall be treated as the owner of land other than the person who would be so treated apart from the agreement, or

(b) on an application in that behalf to the Agricultural Land Tribunal established under Part V of this Act the Tribunal determine, having regard to the respective interests of the persons interested in the land, that some person shall be treated as the owner of the land other than the person who would be so treated apart from the determination,

that person shall be so treated, but without prejudice to a subsequent agreement or determination or to his ceasing to be so treated if the Minister withdraws his approval under paragraph (a) of this subsection.

(3) Any question arising under this Part of this Act whether two parcels of land are being managed by the same person shall be determined, if the management of either or both of the parcels is under the control of an agent or servant, by reference to the person by whom the agent or servant is employed and not by reference to the agent or servant.

(4) For the purposes of this Part of this Act the Minister shall keep, in such form as he may determine, a register of owners of land and other persons who are trustees of, or interested under, settlements as mentioned in paragraph (b) of subsection (6) of section sixteen of this Act, being in any case persons who in the prescribed manner apply to be entered on the register.

PART III.

AGRICULTURAL HOLDINGS.

Compensation to tenant for improvements and to landlord for deterioration.

22.—(1) The tenant of a holding shall, subject to the provisions of this Part of this Act, be entitled at the termination of the tenancy on quitting the holding to obtain from his landlord compensation for any improvement carried out by the tenant

Compensation
to tenant
for improve-
ments, etc.

PART III.
—*cont.*

on the holding, being an improvement specified in the Third Schedule to this Act or in Part I of the Fourth Schedule thereto, and for any such matter as is specified in Part II of the said Fourth Schedule :

Provided that where the contract of tenancy was made before the first day of January, nineteen hundred and twenty-one, the tenant shall not be entitled to compensation under this section for any such improvement as aforesaid which he was required to carry out by the terms of his tenancy.

(2) The Minister may, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of holdings, by order vary the provisions of the Third and Fourth Schedules to this Act ; and an order under this section may make such provision as to the operation of this Part of this Act and the said Schedules in relation to tenancies current when the order takes effect as appears to the Minister to be just having regard to the variation of the said Schedules effected by the order.

An order under this subsection shall be of no effect unless approved by resolution of each House of Parliament.

(3) The provisions of this section shall have effect in substitution for the provisions of section one of the Agricultural Holdings Act, 1923 (hereafter in this Part of this Act referred to as the " Act of 1923 "), and sections one to four of that Act and the First Schedule thereto shall cease to have effect.

(4) References in any enactment, other than an enactment contained in this Act, to the First Schedule to the Act of 1923 shall be construed as follows, that is to say—

- (a) references to Part I, II or III thereof shall be construed respectively as references to the Third Schedule to this Act, to Part II of that Schedule and to the Fourth Schedule to this Act ;
- (b) subject as aforesaid references to the said First Schedule shall be construed as references to the Third and Fourth Schedules to this Act ;

and references in any enactment, other than an enactment contained in this Act, to improvements specified in Part III of the said First Schedule shall be construed as including references to any matters specified in Part II of the Fourth Schedule to this Act.

Measure of
compensation
for long-term
improvements.

23. The amount of any compensation under this Part of this Act for an improvement specified in the Third Schedule to this Act shall be an amount equal to the increase attributable to the improvement in the value of the holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry.

24.—(1) Subject to the provisions of the next following subsection, a tenant shall not be entitled to compensation for an improvement specified in the Third Schedule to this Act unless the landlord has given his consent in writing to the carrying out thereof, and any such consent may be given by the landlord unconditionally, or upon such terms as to compensation or otherwise as may be agreed upon in writing between the landlord and the tenant ; and if any such agreement is made the provisions of the last foregoing section shall have effect subject to the provisions of the agreement.

PART III.
—cont.

Consent of
landlord or
approval of
Minister
required for
long-term
improvements.

(2) Where, in the case of any improvement specified in Part II of the said Third Schedule, a tenant is aggrieved by the refusal of his landlord to give his consent under the last foregoing subsection, or is unwilling to agree to any terms subject to which the landlord is prepared to give his consent, the tenant may, after giving notice in writing to the landlord of his intention so to do, apply to the Minister for approval of the carrying out of the improvement, and on any such application—

- (a) the Minister may, after affording to the tenant and to the landlord an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, approve the carrying out of the improvement, either unconditionally or upon such terms, whether as to reduction of the compensation which would be payable if the Minister approved unconditionally or as to other matters, as appear to the Minister to be just, or may withhold his approval, and in either case forthwith after coming to a decision on the application shall notify his decision to the landlord and to the tenant ;
- (b) if the Minister grants his approval, the landlord may within the prescribed period from receiving notification of the Minister's decision serve notice in writing on the Minister and the tenant that the landlord proposes himself to carry out the improvement ;
- (c) where the Minister grants his approval, then if either—
 - (i) no notice is duly served by the landlord under the last foregoing paragraph ; or
 - (ii) such a notice is duly served, but on an application in that behalf made by the tenant the Minister, after affording to the tenant and the landlord such an opportunity as aforesaid, determines that the landlord has failed to carry out the improvement within a reasonable time,

the approval of the Minister shall have effect for the purposes of the last foregoing subsection as if it were the consent of the landlord, and any terms subject

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—*cont.*

to which the approval was given shall have effect as if they were contained in an agreement in writing between the landlord and the tenant.

Measure of compensation for improvements, etc. in Fourth Schedule.

25.—(1) The amount of any compensation under this Part of this Act for an improvement specified in Part I of the Fourth Schedule to this Act, or for any matter falling within Part II of that Schedule, shall be the value thereof to an incoming tenant ; and the Minister may make regulations prescribing the method of calculating the said value.

(2) The Minister shall appoint a committee to advise him as to the provisions to be included in regulations under this section, consisting of such number of persons, having such qualifications, as the Minister thinks expedient, including persons appointed by the Minister as having experience in land agency, farming, estate management and the valuation of tenant right.

The Minister may pay to members of the committee such travelling and other allowances as he may with the consent of the Treasury determine.

(3) Nothing in this Part of this Act shall prevent the substitution, in the case of matters falling within Part II of the Fourth Schedule to this Act, for the measure of compensation specified in subsection (1) of this section of such measure of compensation, to be calculated according to such method, if any, as may be specified in a written contract of tenancy.

(4) Where the landlord and the tenant of a holding have entered into an agreement in writing whereby any benefit is given or allowed to the tenant in consideration of his carrying out an improvement specified in Part I of the Fourth Schedule to this Act, the benefit shall be taken into account in assessing compensation under this section for the improvement.

(5) A tenant shall not be entitled to compensation for an improvement specified in paragraph 1 of the Fourth Schedule to this Act unless not later than one month before the improvement was begun he gave notice in writing to the landlord of his intention to carry out the improvement.

Reduction of compensation where grant received by tenant.

26. Where any grant out of moneys provided by Parliament has been or will be made to the tenant of a holding in respect of an improvement specified in the Third Schedule to this Act or Part I of the Fourth Schedule thereto, the grant shall be taken into account in assessing compensation under this Part of this Act for the improvement.

Claims not to be made for compensation based on custom.

27. A landlord or tenant of a holding shall not be entitled under custom to any compensation from his tenant or landlord in respect of any improvement, whether specified in the Third or Fourth Schedule to this Act or not, or any matter specified in the Fourth Schedule to this Act, or otherwise.

28.—(1) The following provision shall be substituted in section 9 of the Act of 1923 (which provides for compensation to a tenant for increasing the value of a holding by the continuous adoption of a standard of farming or system of farming which has been more beneficial to the holding than the standard or special system (if any) required by the contract of tenancy) for so much of subsection (1) of that section as precedes the provisos thereto :—

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—cont.

Compensation for continuous adoption of special system of farming.

“ Where the tenant of a holding shows that by the continuous adoption of a system of farming which has been more beneficial to the holding—

- (i) than the system of farming required by the contract of tenancy, or
- (ii) in so far as no system of farming is so required, than the system of farming normally practised on comparable holdings,

the value of the holding as a holding has been increased during the tenancy, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry, the tenant shall be entitled, on quitting the holding on the termination of the tenancy, to obtain from the landlord compensation of an amount equal to the increase,”

and in proviso (c) to the said subsection (1) for the words “ value to an incoming tenant ” there shall be substituted the words “ value of the holding for the purposes of this section ”.

(2) In proviso (a) to the said subsection (1) (which excludes the operation of the section where no record of the condition of the holding has been made, or in respect of matters arising before the date of the record so made) the reference to the said date shall be construed, where more than one such record has been made during the tenancy, as a reference to the date of the first such record.

(3) In proviso (b) to the said subsection (1) (which provides that compensation under the section shall not be payable unless the tenant has, before the termination of the tenancy, given notice of his intention to claim) for the words “ before the termination ” there shall be substituted the words “ not later than one month before the termination.”

29.—(1) The landlord of a holding shall be entitled to recover from a tenant of the holding, on the tenant's quitting the holding on the termination of the tenancy, compensation in respect of the dilapidation or deterioration of, or damage to, any part of the holding, or anything in or on the holding, caused by non-fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry.

Compensation to landlord for deterioration of holding.

(2) The amount of the compensation payable under the last foregoing subsection shall be the cost, as at the date of

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—cont.

the tenant's quitting the holding, of making good the dilapidation, deterioration or damage.

(3) Notwithstanding anything in this Part of this Act, the landlord may in lieu of claiming compensation under subsection (1) of this section claim compensation in respect of matters specified therein under and in accordance with a written contract of tenancy, so however that—

- (a) compensation shall be so claimed only on the tenant's quitting the holding on the termination of the tenancy ;
- (b) compensation shall not be claimed in respect of any one holding both under such a contract and under the said subsection (1).

(4) Where, on the quitting of a holding by a tenant thereof on the termination of the tenancy, the landlord shows that the value of the holding generally has been reduced whether by reason of any such dilapidation, deterioration or damage as is mentioned in subsection (1) of this section or otherwise by non-fulfilment by the tenant of his responsibilities to farm in accordance with the rules of good husbandry, the landlord shall be entitled to recover from the tenant compensation therefor, in so far as the landlord is not compensated therefor under subsection (1) or in accordance with subsection (3) of this section, of an amount equal to the decrease attributable thereto in the value of the holding as a holding, having regard to the character and situation of the holding and the average requirements of tenants reasonably skilled in husbandry :

Provided that compensation shall not be recoverable under this subsection unless the landlord has, not later than one month before the termination of the tenancy, given notice in writing to the tenant of his intention to claim compensation thereunder.

(5) Where a tenant has remained in his holding during two or more tenancies, his landlord shall not be deprived of his right to compensation under this section in respect of any dilapidation, deterioration or damage by reason only that the tenancy during which an act or omission occurred which in whole or in part caused the dilapidation, deterioration or damage was a tenancy other than the tenancy at the termination of which the tenant quits the holding.

(6) Section ten of the Act of 1923, which provides for compensation to the landlord for deterioration of a holding, shall cease to have effect.

Compensation for disturbance, and provisions as to notices to quit.

Compensation
for
disturbance.

30.—(1) Where the tenancy of a holding terminates by reason of a notice to quit given by the landlord, and in consequence of the notice the tenant quits the holding, then, subject to the provisions of this section, unless—

- (a) on an application in that behalf made to the Minister not more than six months before the giving of the

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—*cont.*

notice to quit the Minister was satisfied in relation to the holding that the tenant was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and certified that he was so satisfied ; or

- (b) at the date of the giving of the notice to quit the tenant had failed to comply with a notice in writing served on him by the landlord requiring him within two months from the service of the notice to pay any rent due in respect of the holding, or within a reasonable time or within such reasonable period as may be specified in the notice to remedy any breach by the tenant which was capable of being remedied of any term or condition of his tenancy which was not inconsistent with the fulfilment of his said responsibilities ; or
- (c) at the said date the interest of the landlord in the holding had been materially prejudiced by the commission by the tenant of a breach which was not capable of being remedied of any term or condition of the tenancy which was not inconsistent as aforesaid ; or
- (d) at the said date the tenant was a person who had become bankrupt or compounded with his creditors ; or
- (e) the tenant with whom the contract of tenancy was made had died within three months before the said date ;

and unless the notice to quit states that it is given by reason of one or more of the matters aforesaid, specifying it or them, compensation for the disturbance shall be payable by the landlord to the tenant in accordance with the provisions of this section.

The provisions of the Fifth Schedule to this Act shall have effect in relation to applications for certificates under paragraph (a) of this subsection.

(2) The amount of the compensation payable under this section shall be the amount of the loss or expense directly attributable to the quitting of the holding which is unavoidably incurred by the tenant upon or in connection with the sale or removal of his household goods, implements of husbandry, fixtures, farm produce or farm stock on or used in connection with the holding, and shall include any expenses reasonably incurred by him in the preparation of his claim for compensation (not being costs of an arbitration to determine any question arising under this section) :

Provided that—

- (a) compensation shall be payable under this section of an amount equal to one year's rent of the holding, at the rate at which rent was payable immediately before the termination of the tenancy, without proof by the tenant of any such loss or expense as aforesaid ;

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—cont.

- (b) the tenant shall not be entitled to claim any greater amount than one year's rent of the holding unless before the sale of any such goods, implements, fixtures, produce or stock as aforesaid he has given to the landlord a reasonable opportunity of making a valuation thereof ;
- (c) the tenant shall not be entitled to claim any greater amount than aforesaid unless not less than one month before the termination of the tenancy he has given to the landlord notice in writing of his intention to make such a claim ;
- (d) the tenant shall not in any case be entitled to compensation in excess of two years' rent of the holding.

(3) Where the tenant of a holding has sub-let the holding, and in consequence of a notice to quit given by his landlord becomes liable to pay compensation under this section to the sub-tenant, the tenant shall not be debarred from recovering compensation under this section by reason only that, owing to not being in occupation of the holding, on the termination of his tenancy he does not quit the holding.

(4) Where under section twenty-seven of the Act of 1923 the tenant accepts a notice to quit part of his holding as a notice to quit the entire holding, and—

- (a) the part of the holding affected by the notice given by the landlord, together with any part of the holding affected by any previous notice given by the landlord under that section, is less than one fourth part of the original holding, and
 - (b) the holding as proposed to be diminished is reasonably capable of being farmed as a separate holding,
- compensation shall not be payable under this section except in respect of the part of the holding to which the notice to quit relates.

(5) Compensation payable under this section shall be in addition to any compensation to which the tenant may be entitled apart from this section.

(6) If, while a certificate under paragraph (a) of subsection (1) of this section is in force, the landlord within six months from the application for the certificate gives notice to quit to the tenant—

- (a) the Minister shall have power, after affording to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, by notice in writing to give to the tenant such directions as appear to the Minister necessary for securing that the holding shall not further deteriorate before the determination of the tenancy, and subsections (4) to (8) of section fourteen and subsection (1) of section twenty of this Act

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shall apply to directions under this subsection as they apply to directions under the said section fourteen ; and

- (b) where the tenant contravenes or fails to comply with any direction given under the foregoing paragraph, the Minister may order that the tenancy shall terminate by virtue of the notice to quit at such date earlier than the date specified in that notice as may be specified in the order, being a date not less than three months later than the service on the tenant of notice in writing of the making of the order.

(7) Sections twelve to fourteen of the Act of 1923 (which relate to compensation for disturbance) shall cease to have effect, and the reference in the proviso to subsection (2) of section one hundred and forty of the Law of Property Act, 1925, to paragraph (d) of subsection (7) of the said section twelve shall be construed as a reference to subsection (4) of this section. 15 & 16 Geo. 5. c. 20.

(8) Nothing in this section shall apply to a notice to terminate a tenancy of a holding subsisting under a written contract entered into before the twenty-fifth day of March, nineteen hundred and forty-seven—

- (a) where immediately before the creation of the tenancy the holding had been for a period of not less than twelve months in the occupation of the landlord ;
 (b) the holding is let upon the express terms that if the landlord desires to resume that occupation before the expiration of a specified period not exceeding seven years the landlord shall be entitled to give notice to quit without becoming liable to pay to the tenant any compensation for disturbance ; and
 (c) the notice to terminate the tenancy is given so as to enable the landlord to resume occupation of the holding within the specified period.

31.—(1) Where notice to quit a holding or part of a holding is given to the tenant thereof, and not later than one month from the giving of the notice to quit the tenant serves on the landlord notice in writing requiring that this subsection shall apply to the notice to quit, then subject to the provisions of the next following subsection the notice to quit shall not have effect unless the Minister consents to the operation thereof. Restrictions on termination by notice of tenancies of holdings.

(2) The last foregoing subsection shall not apply—

- (a) where the Minister has consented under this section to the operation of the notice to quit before the giving thereof, and that fact is stated in the notice ;
 (b) where one or more of the conditions specified in paragraphs (a) to (e) of subsection (1) of the last foregoing section is fulfilled, and it is stated in the notice to quit that the notice is given by reason thereof ;

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—*cont.*

(c) where the notice to quit is given on the ground that the land is required for a use, other than for agriculture, for which permission has been granted on an application made under the enactments relating to town and country planning, or for which (otherwise than by virtue of any provision of those enactments) such permission is not required, and that fact is stated in the notice.

(3) Without prejudice to the discretion of the Minister in a case falling within paragraphs (a) to (d) of this subsection, the Minister shall withhold his consent under this section to the operation of a notice to quit unless he is satisfied—

- (a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of efficient farming whether as respects good estate management or good husbandry or otherwise ; or
- (b) that the carrying out thereof is otherwise desirable for the purposes of agricultural research, education, experiment or demonstration or for the purposes of the enactments relating to smallholdings or allotments ; or
- (c) where the tenancy was created after the passing of this Act, that the landlord proposes to terminate the tenancy for a purpose, specified in the contract of tenancy, for which the interest of the landlord was held immediately before the creation of the tenancy, and that greater hardship would be caused by the Minister's withholding than by his granting his consent to the operation of the notice ; or
- (d) where the tenancy was created before the passing of this Act and the same person was landlord at the passing thereof as at the time when the notice to quit was given or, if the application for the Minister's consent is made before giving the notice to quit, at the time of the application, that greater hardship would be caused by the Minister's withholding than by his granting his consent to the operation of the notice ; or
- (e) that the landlord proposes to terminate the tenancy for the purpose of the land being used for a use, other than for agriculture, not falling within paragraph (c) of the last foregoing subsection.

(4) The Minister shall not give or withhold his consent under this section to the operation of a notice to quit except after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister.

(5) Forthwith after the giving or withholding of his consent as aforesaid the Minister shall give notice thereof in writing to the landlord and to the tenant.

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(6) If the landlord or the tenant is dissatisfied with the Minister's decision to withhold or to give his consent to the operation of a notice to quit, the landlord or tenant may within the prescribed time and in the prescribed manner require that the matter shall be referred to the Agricultural Land Tribunal established under Part V of this Act, and where a reference to the Tribunal under this subsection is duly required subsections (1) to (3) of this section shall have effect with the substitution (except in so much of paragraph (d) of the said subsection (3) as relates to the application for the Minister's consent) for references to the Minister of references to the Tribunal.

(7) Where the Minister or the Agricultural Land Tribunal consent under this section to the operation of a notice to quit, the Minister or the Tribunal may impose such conditions as appear to the Minister or the Tribunal requisite for securing that the land to which the notice relates will be used for the purpose for which the landlord proposes to terminate the tenancy, and if the Minister is satisfied that within a reasonable time after the notice to quit has expired any condition imposed under this section has not been complied with—

- (a) the Minister may take possession of the land for the purpose of farming it, and
- (b) the provisions of section eighteen of this Act shall apply as they apply where the Minister takes possession of land under that section, but with the substitution for the reference to a requirement of a reference to a condition.

Where on an application by the landlord in that behalf the Minister is satisfied that by reason of any change of circumstances or otherwise any condition imposed under this subsection ought to be varied or revoked, he shall vary or revoke the condition accordingly.

(8) The Minister may make regulations—

- (a) for requiring any question arising under subsection (2) of this section to be determined by arbitration under the Act of 1923, for limiting the time within which any such arbitration may be required or any proceedings for the purposes thereof may be taken, and for extending the period within which a notice may be given by the tenant under subsection (1) of this section where any such arbitration is required ;
- (b) as to the time within which and the manner in which applications for the Minister's consent to the operation of notices to quit may be made under this section ;
- (c) for suspending the operation of notices to quit until the termination of any such arbitration as aforesaid or of any reference to the Agricultural Land Tribunal under this section ;

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—cont.

- (d) for postponing the date at which a tenancy is to be terminated by a notice to quit which has effect in consequence of any such arbitration or reference as aforesaid ;
- (e) for excluding the application of subsection (1) of this section in relation to sub-tenancies in such cases as may be prescribed, and for making such provision as appears to the Minister expedient for the purpose of safeguarding the interest of sub-tenants, including provision enabling the Minister or the Agricultural Land Tribunal, where the interest of a tenant is terminated by notice to quit, to secure that a sub-tenant will hold from the landlord on the like terms as he held from the tenant.

(9) Paragraphs (a) and (b) of subsection (2) of section twenty-five of the Act of 1923 (which provide that twelve months' notice to terminate the tenancy of a holding shall not be required in the case of land of which possession is resumed for the purposes of government departments, local authorities or statutory undertakers) shall cease to have effect except in the case of a tenancy subsisting under a contract entered into before the twenty-fifth day of March, nineteen hundred and forty-seven.

(10) Nothing in this section shall apply to any such notice as is specified in subsection (8) of the last foregoing section.

Provisions as
to notices to
quit where
holding agreed
to be sold.

32.—(1) The provisions of the two following subsections shall have effect where, whether before or after the commencement of this Part of this Act, notice to quit land being or comprised in a holding has been given to the tenant and at any time after the commencement of this Part of this Act while the notice is current a contract is made for the sale of the landlord's interest in the land or any part thereof.

(2) Unless within the period of three months ending with the making of the contract the landlord and the tenant have agreed in writing whether on the making of such a contract the notice shall continue in force or be of no effect,—

- (a) the landlord shall, before the expiration of the prescribed period from the making of the contract, or, where the notice to quit expires within the last mentioned period, before the expiration of the notice to quit, give notice in writing to the tenant of the making of the contract, and
- (b) the tenant may before the expiration of the notice to quit notify the landlord in writing that the tenant elects that the notice to quit shall continue in force, so however that the tenant shall not give a notification under this paragraph after the expiration of one month from the receipt by him of a notice under the last foregoing paragraph of the making of the contract.

(3) In default of any such agreement or notification as aforesaid the notice to quit shall be of no effect unless the landlord has failed duly to give notice of the making of the contract and the tenant quits the holding in consequence of the notice to quit.

(4) A notice to quit shall not be invalid by reason only that under any such agreement as aforesaid the operation of the notice is conditional.

(5) The foregoing provisions of this section shall have effect in substitution for the provisions of section twenty-six of the Act of 1923.

Supplementary provisions as to compensation.

33.—(1) Save as expressly provided in the provisions of the Act of 1923, of this Part of this Act and of the Schedules therein referred to, in any case for which apart from this section those provisions provide for compensation, a tenant or landlord shall be entitled to compensation in accordance with those provisions and not otherwise, and shall be so entitled notwithstanding any agreement to the contrary.

Extent to which compensation recoverable under agreements.

(2) Nothing in the said provisions, apart from this section, shall be construed as disentitling a tenant or landlord to compensation in any case for which the said provisions do not provide for compensation, but a claim for compensation in any such case as aforesaid shall not be enforceable except under an agreement in writing.

(3) Section fifty of the Act of 1923 (which provides for avoiding certain contracts not in accordance with the provisions of that Act) shall cease to have effect.

34.—(1) The provisions relating to compensation of this Part of this Act and the Schedules therein referred to, other than this section, shall not have effect where the tenant of a holding quits the holding in consequence of a notice to quit given (whether by the landlord or the tenant) before the commencement of this Part of this Act, or in consequence of a surrender of the tenancy in pursuance of an agreement in writing made before the commencement thereof.

Transitional provisions as to compensation.

(2) Subject to the last foregoing subsection, the said provisions shall apply whether the tenant entered into occupation of the holding before or after the commencement of this Part of this Act, except that—

(a) the said provisions shall not apply in relation to any improvements specified in the Third Schedule to this Act or Part I of the Fourth Schedule thereto begun before the commencement of this Part of this Act ;

(b) in relation to the matters specified in Part II of the said Fourth Schedule, a tenant who entered into occupation of the holding before the commencement of this Part

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—cont.

of this Act shall be treated as if the said provisions had not come into operation, unless before the termination of the tenancy the tenant gives notice in writing to the landlord that this paragraph is not to have effect in relation to the holding :

Provided that—

- (i) where the tenancy terminates by reason of a notice to quit, and at any time while the notice to quit is current the landlord gives notice in writing to the tenant requiring him to elect whether paragraph (b) of this subsection is to have effect in relation to the holding, the tenant shall not be entitled to give a notice under that paragraph after the expiration of one month from the giving of the notice under this paragraph or, if the operation of the notice to quit depends on any proceedings under section thirty-one of this Act, after the expiration of one month from the termination of those proceedings ;
- (ii) where the tenancy terminates by reason of an order under subsection (1) of section seventeen of this Act, and at at any time after the making of the order and before the termination of the tenancy the landlord gives such a notice in writing as aforesaid to the tenant, the tenant shall not be entitled to give a notice under paragraph (b) of this subsection after the expiration of one month from the giving of the notice under this paragraph.

(3) References in this section to the said provisions include references to so much of Part V of this Act as repeals provisions of the Act of 1923 relating to compensation or any enactment amending those provisions of the Act of 1923.

Variation and ascertainment of terms of contracts of tenancy.

Variation of
rent of
holdings.

35.—(1) Subject to the provisions of this section, the landlord or the tenant of a holding may, whether the tenancy was created before or after the commencement of this Part of this Act, by notice in writing served on his tenant or landlord demand a reference to arbitration under the Act of 1923 of the question what rent should be payable in respect of the holding as from the next ensuing day on which the tenancy could have been determined by notice to quit given at the date of demanding the reference.

(2) On any reference under the last foregoing subsection the arbitrator—

- (a) shall not take into account any increase in the rental value of the holding which is due to improvements which have been executed thereon in so far as they were executed wholly or partly at the expense of the tenant (whether or not that expense has been or will be

reimbursed by a grant out of moneys provided by Parliament) without any equivalent allowance or benefit made or given by the landlord in consideration of their execution, and have not been executed under an obligation imposed on the tenant by the terms of his contract of tenancy, or to improvements which have been executed thereon by the landlord in so far as the landlord has received or will receive grants out of moneys provided by Parliament in respect of the execution thereof, and

- (b) shall not fix the rent at a lower amount by reason of any dilapidation or deterioration of, or damage to, buildings or land caused or permitted by the tenant ;

subject as aforesaid, the arbitrator shall determine what rent should properly be payable in respect of the holding at the date of the reference, and accordingly shall as from the day mentioned in the last foregoing subsection increase or reduce the rent previously payable or direct that it continue unchanged.

(3) A reference to arbitration under subsection (1) of this section shall not be demanded in such circumstances that any increase or reduction of rent made in consequence thereof would take effect as from a date earlier than the expiration of three years from any of the following dates, that is to say—

- (a) the commencement of the tenancy, or
- (b) the date as from which there took effect a previous increase or reduction of rent (whether made under this section or otherwise), or
- (c) the date as from which there took effect a previous direction of an arbitrator under this section that the rent should continue unchanged :

Provided that there shall be disregarded for the purposes of this subsection—

- (i) any increase of rent under subsection (4) of this section or any such increase as is referred to in proviso (i) to that subsection,
- (ii) any reduction of rent under subsection (6) of section seventeen of this Act or under section twenty-seven of the Act of 1923,
- (iii) any other variation of rent which under the following provisions of this Act is directed to be disregarded for the purposes of this subsection.

(4) Where the landlord of a holding has, whether before or after the commencement of this Part of this Act, carried out on the holding any improvement, whether specified in the Third or Fourth Schedule to this Act or not, being an improvement—

- (a) carried out at the request of or in agreement with the tenant, or in pursuance of a notice served by the landlord

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—cont.

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—cont.

under paragraph (b) of subsection (2) of section twenty-four of this Act, or carried out under subsection (3) of section three of the Act of 1923, or

(b) carried out in compliance with a direction given by the Minister under powers conferred on him by or under any enactment, or

(c) carried out in such circumstances that apart from this Act any interest or rent in respect thereof would be recoverable by the landlord under section nine of the Agriculture (Miscellaneous Provisions) Act, 1943, or section nine of the Hill Farming Act, 1946,

6 & 7 Geo. 6.
c. 16.

9 & 10 Geo. 6.
c. 73.

the rent of the holding shall, if the landlord by notice in writing served on the tenant within six months from the completion of the improvement so requires, be increased as from the completion of the improvement, or, where the improvement was completed before the commencement of this Part of this Act, the commencement of this Part of this Act, by an amount equal to the increase in the rental value of the holding attributable to the carrying out of the improvement :

Provided that—

(i) no increase shall be made under this subsection if before the commencement of this Part of this Act the landlord and the tenant have agreed on any increase in rent or other benefit to the landlord in respect of the improvement, or if before the commencement of this Part of this Act any sum has become payable under subsection (3) of section three of the Act of 1923, the said Act of 1943 or the said Act of 1946 ;

(ii) where any grant has been made to the landlord in respect of the improvement out of moneys provided by Parliament, the increase in rent provided for by the foregoing provisions of this subsection shall be reduced proportionately.

(5) No interest or rent shall be recoverable by a landlord under the said Act of 1943 or the said Act of 1946 in respect of any improvement specified in paragraph (c) of the last foregoing subsection, whether completed before or after the commencement of this Part of this Act, except where interest or rent has become payable in respect of the improvement before the commencement of this Part of this Act.

(6) Any dispute arising between the landlord and the tenant of the holding under the two last foregoing subsections shall be determined by arbitration under the Act of 1923.

Variation of
terms of
tenancy as to
permanent
pasture.

36.—(1) Where under the contract for a tenancy of a holding, whether created before or after the commencement of this Part of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent

pasture, and it appears to the Minister, either on the application of the landlord or the tenant or otherwise,—

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—*cont.*

- (a) that it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced, and
- (b) where there has been an application under this section by the landlord or the tenant, that the landlord or tenant has requested his tenant or landlord to agree to the appropriate reduction but no agreement has been reached thereon,

the Minister may, after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, direct that the contract of tenancy shall have effect subject to such modifications of the provisions thereof as to land which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as appear to the Minister expedient as aforesaid and are specified in the direction.

(2) Where by virtue of a direction under this section a contract of tenancy has effect subject to a reduction of the land which is to be maintained as permanent pasture, the provisions of paragraphs 2 and 3 of the Second Schedule to this Act shall have effect in relation to the direction.

(3) Where the landlord and the tenant of a holding enter into an agreement in writing for any such variation of the terms of the contract of tenancy as could be made by direction under subsection (1) of this section, or under the said paragraph 2, the agreement may, notwithstanding anything in this Part of this Act, provide for the exclusion of compensation in like manner as under the said paragraph 3.

37.—(1) The Minister may, after consultation with such bodies of persons as appear to him to represent the interests of landlords and tenants of holdings, make regulations prescribing terms as to the maintenance, repair and insurance of fixed equipment which shall be deemed to be incorporated in every contract of tenancy of a holding, whether made before or after the commencement of this Part of this Act, except in so far as they would impose on one of the parties to an agreement in writing a liability which under the agreement is imposed on the other.

Liability for
repair,
maintenance
and insurance
of fixed
equipment.

(2) Where an agreement in writing relating to a tenancy of a holding, whether created before or after the commencement of this Part of this Act, effects substantial modifications in the operation of regulations under the last foregoing subsection, the landlord or the tenant of the holding may, if he has requested his tenant or landlord to vary the agreement so as to bring it

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—*cont.*

into conformity with the provisions of regulations under that subsection but no agreement has been reached on the request, refer to arbitration under the Act of 1923 the terms of the tenancy with respect to the maintenance, repair and insurance of fixed equipment :

Provided that where there has been a previous reference under this subsection relating to the same tenancy, no further such reference shall be made before the expiration of three years from the coming into effect of the award of the arbitrator on the previous reference.

(3) On any reference under the last foregoing subsection the arbitrator shall consider whether (disregarding the rent payable for the holding) the said modifications effected by the agreement are justifiable having regard to the circumstances of the holding and of the landlord and the tenant ; and if he determines that they are not justifiable as aforesaid, he may by his award vary the terms referred to arbitration in such manner as appears to him reasonable and just between the landlord and the tenant.

Provisions for
securing
written
tenancy
agreements.

38.—(1) Where there is not in force in respect of any tenancy of a holding, whether created before or after the commencement of this Part of this Act, an agreement in writing embodying the terms of the tenancy, or there is such an agreement in force but it contains no provision for one or more of the matters specified in the Sixth Schedule to this Act, the landlord or the tenant of the holding may, if he has requested his tenant or landlord to enter into such an agreement containing provision for all of the said matters but no such agreement has been concluded, refer the terms of the tenancy to arbitration under the Act of 1923.

(2) On any such reference the arbitrator shall by his award specify the existing terms of the tenancy, subject to any variations thereof agreed between the landlord and the tenant, and, in so far as those terms as so varied make no provision therefor and do not make provision inconsistent therewith, make provision for all the matters specified in the Sixth Schedule to this Act having such effect as may be agreed between the landlord and the tenant or, in default of agreement, as appears to the arbitrator to be reasonable and just between the landlord and the tenant.

(3) Where regulations under the last foregoing section have varied the terms of a tenancy of a holding as to maintenance, repair or insurance of fixed equipment (whether those terms were established by agreement or by the operation of regulations under the last foregoing section), then, if a reference is made under this section within the prescribed period after the coming into operation of the first mentioned regulations, the arbitrator shall for the purposes of the last foregoing subsection disregard the variation.

(4) On any such arbitration the arbitrator may include in his award any further provisions relating to the tenancy which may be agreed between the landlord and the tenant.

PART III.
—*cont.*

39.—(1) Where by virtue of section thirty-seven or thirty-eight of this Act the liability for the maintenance or repair of any item of fixed equipment is transferred from the tenant to the landlord, the landlord may within the prescribed period beginning with the date on which the transfer takes effect require that there shall be determined by arbitration under the Act of 1923, and paid by the tenant, the amount of any compensation which would have been payable either under section twenty-nine of this Act or in accordance with subsection (3) of that section, in respect of any previous failure by the tenant to discharge the said liability, if the tenant had quitted the holding on the termination of his tenancy at the date on which the transfer takes effect. Supplementary provisions as to sections 37 and 38.

(2) For the purposes of so much of subsection (3) of section twenty-nine of this Act as prevents a landlord claiming compensation in respect of the same holding both under a contract of tenancy and under subsection (1) of the said section twenty-nine, any claim under the last foregoing subsection shall be disregarded.

(3) Where by virtue of section thirty-seven or thirty-eight of this Act the liability for the maintenance or repair of any item of fixed equipment is transferred from the landlord to the tenant, any claim by the tenant in respect of any previous failure by the landlord to discharge the said liability shall, if the tenant within the prescribed period beginning with the date on which the transfer takes effect so requires, be determined by arbitration under the Act of 1923.

(4) Where it appears to the arbitrator—

(a) on any reference under subsection (2) of section thirty-seven of this Act that by reason of any provision included in his award, or

(b) on any reference under the last foregoing section that by reason of any provision which he is required by that section to include in his award,

it is equitable that the rent of the holding should be varied, he may vary the rent accordingly, and for the purposes of subsection (3) of section thirty-five of this Act any variation of rent under this subsection shall be disregarded.

(5) The award of an arbitrator under section thirty-seven or thirty-eight of this Act shall have effect as if the terms and provisions specified and made therein were contained in an agreement in writing entered into by the landlord and the tenant and having effect as from the making of the award or, if the award so provides, from such later date as may be specified therein.

PART III.

—cont.

Restriction
on letting
agricultural
land for less
than from year
to year.

General.

40.—(1) Subject to the provisions of this section, where under an agreement made after the commencement of this Part of this Act any land is let to a person for use as agricultural land for an interest less than a tenancy from year to year, or a person is granted a licence to occupy land for use as agricultural land, and the circumstances are such that if his interest were a tenancy from year to year he would in respect of that land be the tenant of a holding as defined in the Act of 1923, then, unless the letting or grant was approved by the Minister before the agreement was entered into, the agreement shall take effect, with the necessary modifications, as if it were an agreement for the letting of the land for a tenancy from year to year :

Provided that this subsection shall not have effect in relation to an agreement for the letting of land, or the granting of a licence to occupy land, made (whether or not the agreement expressly so provides) in contemplation of the use of the land only for grazing or mowing during some specified period of the year, or to an agreement for the letting of land, or the granting of a licence to occupy land, by a person whose interest in the land is less than a tenancy from year to year and has not by virtue of this section taken effect as such a tenancy.

(2) Any dispute arising as to the operation of the last foregoing subsection in relation to any agreement shall be determined by arbitration under the Act of 1923.

Power of
tenant to
obtain charge
on holding in
respect of
compensation.

41.—(1) Where after the commencement of this Part of this Act any sum has become due to the tenant of a holding in respect of compensation from the landlord, and the landlord fails to discharge his liability therefor within the period of one month from the date on which the sum became due, the tenant shall be entitled to obtain from the Minister an order in favour of himself, his executors, administrators and assigns charging the holding with repayment of the amount due, and of all costs properly incurred by him in obtaining the charge, with such interest, and by such instalments, and with such directions for giving effect to the charge, as the Minister thinks fit.

(2) Any charge in respect of sums payable to a tenant created under this section or under section fifteen or section forty-one of the Act of 1923 (which provide for charges where a mortgagee takes possession or where the landlord is a trustee) shall rank in priority to any other charge, however and whenever created or arising ; and any charges on a holding created under this section or the said sections fifteen and forty-one shall rank in the order of their creation.

This subsection shall bind the Crown.

(3) Subsections (3) and (5) of section twenty of the Act of 1923 (which prevent the forfeiture of an interest by the creation of a charge under that section and provide for the assignment of such a charge) and subsection (1) of section ten of the Land Charges Act, 1925 (which relates to the registration of certain charges) shall apply to charges obtained under this section as they apply to charges obtained under the said section twenty.

PART III.
—cont.

42.—(1) Where under powers conferred by the Settled Land Act, 1925, or the Law of Property Act, 1925, capital money is applied in or about the execution of any improvement specified in the Third Schedule to this Act, no provision shall be made for requiring the money or any part thereof to be replaced out of income, and accordingly any such improvement shall be deemed to be an improvement authorised by Part I of the Third Schedule to the Settled Land Act, 1925.

Power of limited owner to apply capital moneys for improvements.

15 & 16 Geo. 5.
c. 18.

(2) Where under powers conferred by the Universities and College Estates Act, 1925, capital money is applied in payment for any improvement specified in the Third Schedule to this Act, no provision shall be made for replacing the money out of income unless the Minister requires such provision to be made under subsection (5) of section twenty-six of that Act.

15 & 16 Geo. 5.
c. 24.

43. Without prejudice to the provisions of section twenty-eight of the Act of 1923 (which confers on a landlord power to enter to view the state of a holding), the landlord of a holding or any person authorised by him may at all reasonable times enter on the holding for the purpose of fulfilling the landlord's responsibilities to manage the holding in accordance with the rules of good estate management, or for the purpose of providing or improving fixed equipment on the holding otherwise than in fulfilment of his said responsibilities.

Power of landlord to enter on holding.

44.—(1) Without prejudice to any other provision of this Act or of the Act of 1923, any claim of whatever nature by the tenant or landlord of a holding against his landlord or tenant, being a claim which arises—

Provisions as to arbitration.

(a) under the Act of 1923 or this Act or any custom or agreement, and

(b) on or out of the termination of the tenancy of the holding or part thereof after the commencement of this Part of this Act,

shall, subject to the provisions of this section, be determined by arbitration under the Act of 1923.

(2) No such claim as aforesaid shall be enforceable unless before the expiration of two months from the termination of the tenancy the claimant has served notice in writing on his landlord or tenant, as the case may be, of his intention to make the claim.

PART III.

—*cont.*

A notice under this subsection shall specify the nature of the claim, and it shall be a sufficient specification thereof if the notice refers to the statutory provision, custom, or term of an agreement under which the claim is made.

(3) The landlord and tenant may within the period of four months from the termination of the tenancy by agreement in writing settle any such claim as aforesaid, and the Minister may upon the application of the landlord or the tenant made within that period extend the said period by two months and, on a second such application made during those two months, by a further two months.

(4) Where by the expiration of the said period and any extension thereof made under the last foregoing subsection any such claim as aforesaid has not been settled, the claim shall cease to be enforceable unless before the expiration of one month from the end of the said period and any such extension, or within such longer time as the Minister may in special circumstances allow, an arbitrator has been appointed by agreement between the landlord and the tenant under the provisions in that behalf of the Act of 1923, or an application for the nomination of an arbitrator under those provisions has been made by the landlord or the tenant.

(5) Where a tenant lawfully remains in occupation of part of a holding after the termination of a tenancy, references in subsections (2) and (3) of this section to the termination thereof shall, in the case of a claim relating to that part of the holding, be construed as references to the termination of the occupation.

(6) Nothing in section fifty-four of the Act of 1923 (which contains a general saving for the remedies of a landlord or tenant) shall be construed as limiting the generality of the provisions of subsection (1) of this section.

(7) The provisions of county court rules as to the issuing of witness summonses shall, subject to such modifications as may be prescribed by such rules, apply for the purposes of any arbitration under the Act of 1923 as if it were an action or matter in the county court.

(8) Section five, and subsection (2) of section sixteen, of the Act of 1923 (which relate to the reference of matters to arbitration) shall cease to have effect ; and in subsection (1) of the said section sixteen for the words from the beginning to "referred to arbitration" there shall be substituted the words "Any question which is referred to arbitration under this Act".

Minor and
consequential
amendments
relating to
Part III.

45. The enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Part of this Act.

46.—(1) The provisions of this Part of this Act and the Schedules therein referred to shall be construed as one with the Act of 1923; and that Act and those provisions may be cited together as the Agricultural Holdings Acts, 1923 to 1947.

PART III.
—cont.
Construction,
citation and
application
of Part III.

(2) Without prejudice to sections forty-three to forty-five of the Act of 1923 (which relate to land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster and land belonging to the Duchy of Cornwall) it is hereby declared that the provisions of the Act of 1923 and this Part of this Act and the Schedules therein referred to apply to land notwithstanding that the interest of the landlord or tenant thereof is held on behalf of His Majesty for the purposes of any Government department; but in the application thereof to any land belonging, or an interest in which is held, as aforesaid the said provisions shall have effect subject to such modifications as may be prescribed.

PART IV.

SMALLHOLDINGS.

Provision of smallholdings.

47.—(1) For the purpose of affording to persons with agricultural experience an opportunity of becoming farmers on their own account, it shall be the duty of every county council, other than the London County Council, to provide smallholdings, for letting to such persons as aforesaid, to the extent to which a demand therefor is indicated by applications received by the council, suitable land can be obtained for the purpose and the smallholdings can be provided without detriment to the general interests of agriculture.

Duty of county
councils to
provide small-
holdings.

(2) Any council on whom the said duty is imposed is in this Act referred to as a "smallholdings authority".

48.—(1) A smallholdings authority shall have power, if so authorised by the Minister, to acquire land for the purposes of smallholdings by agreement, or by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

Acquisition by
smallholdings
authority of
land for
smallholdings.

(2) In deciding whether to authorise any acquisition of land under this section, the Minister shall have regard, among other things, to the suitability of the land for the purpose for which it is proposed to be acquired, the probable cost of the acquisition thereof and the general interests of agriculture.

(3) Before a smallholdings authority proceed to acquire under this section land outside their area, they shall consult with the council of the county or county borough in whose area the land is situated.

(4) Where a smallholdings authority have been authorised to acquire land for the purposes of smallholdings they shall not, except where in special circumstances it appears to them requisite

PART IV.
—*cont.*

so to do, exercise their powers of acquisition so as to require any person farming the land to give up his occupation of the land before such time as the authority are satisfied that the land is required, and can be adapted, for the purposes of smallholdings.

(5) Any person authorised by a smallholdings authority in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of ascertaining whether the land is suitable for acquisition by the authority under this section.

Power of
smallholdings
authority to
provide fixed
equipment,
etc.

49.—(1) A smallholdings authority shall have power to provide, improve, maintain and repair fixed equipment on land held by the authority for the purposes of smallholdings and to carry out any other improvements on or for the benefit of any such land, and to enter into an agreement with a tenant of any such land for the provision, improvement, maintenance, repair or carrying out thereof by the tenant on such terms as may be specified in the agreement.

(2) References in this Part of this Act to land held by an authority for the purposes of smallholdings shall be construed as including references to land any interest in which is so held, other than a right to take possession arising under the provisions of the Small Holdings and Allotments Acts, 1908 to 1931.

Lay-out and
equipment of
smallholdings
to be carried
out in
accordance
with scheme
approved by
Minister.

50.—(1) Except in so far as may be allowed by general directions of the Minister under this subsection, a smallholdings authority shall not proceed with the creation and equipment of smallholdings, with the alteration of the size or lay-out of existing smallholdings or the provision or improvement of fixed equipment thereon, or otherwise with the erection of buildings or the carrying out of work on land held by the authority for the purposes of smallholdings, except in accordance with the provisions of a scheme made by the authority and submitted to the Minister and approved by him.

(2) Any such scheme shall contain such particulars as to—

- (a) nature, size and lay-out of smallholdings,
- (b) provision or improvement of fixed equipment,
- (c) total estimated cost of the proposals, and
- (d) such other matters as the Minister may either generally or in any particular case direct,

as may be reasonably necessary for informing the Minister as to the proposals to which the scheme relates, and shall be in such form as the Minister may so direct.

(3) Any scheme made and approved under this section may be varied by a subsequent scheme so made and approved.

(4) Where it appears to the Minister that any existing smallholdings provided by a smallholdings authority are of less or greater extent than is likely to be required for the provision of a

reasonable livelihood or that in the case of any such smallholdings as aforesaid it is expedient so to do in the interests of efficient farming, he may direct that the authority shall alter the size or lay-out of the smallholdings in such manner as may be specified in the direction.

PART IV.
—cont.

Management of authorities' smallholdings.

51.—(1) The powers of a smallholdings authority shall, subject to the provisions of this Part of this Act, include all powers required by the authority for the management of land for the time being held by the authority for the purposes of smallholdings.

General powers.
of small-
holdings
authority..

(2) A smallholdings authority shall have power, for the benefit of the occupiers of smallholdings provided by the authority, to further the formation of bodies of persons, whether corporate or unincorporated, having for their object or one of their objects the promotion through co-operative methods of efficiency in the conduct of smallholdings, and to assist the carrying on and extension of the activities of such bodies.

(3) A smallholdings authority shall have power—

(a) to such extent as appears to the authority expedient for the purpose of assisting the conduct of smallholdings provided by the authority or of promoting co-operative schemes for the conduct thereof, to acquire by purchase or hiring, and to sell or let on such terms as may be decided by the authority, machinery and other equipment, live or dead stock, seeds, fertilisers and any other requisites, and to provide on such terms as aforesaid services ; and

(b) to carry out arrangements made by the authority, for the purposes of such schemes as aforesaid, for the disposal by the authority of the produce of smallholdings provided by them.

(4) It is hereby declared that the provisions of section forty-one of this Act and the foregoing provisions of this section with respect to the powers of smallholdings authorities relate only to their capacity as corporations ; and nothing in those provisions shall be construed as authorising any act or omission on the part of a smallholdings authority which is actionable at the suit of any person on any ground other than the limitation of their said capacity.

52.—(1) Smallholdings provided by a smallholdings authority shall be let to the persons by whom the smallholdings are to be farmed in accordance with the following provisions of this Part of this Act :

Letting of
smallholdings.

Provided that nothing in this section shall affect any letting in force at the commencement of this Part of this Act.

PART IV.
—cont.

(2) Every letting of a smallholding by the authority shall be at a full fair rent, that is to say, at such rent as a tenant might reasonably be expected to pay for the smallholding if let as such on the terms (other than terms as to rent) on which it is in fact let.

(3) Subject to the provisions of the next following subsection,—

(a) a smallholdings authority shall not let a smallholding to any person unless they are satisfied that the said person has had sufficient agricultural experience to render it likely that he is or will become qualified to be a farmer on his own account; and

(b) in selecting persons to whom smallholdings are to be let preference shall be given, as between persons otherwise equally suitable, to applicants who at the time of the application are employed under a contract of service as agricultural workers or who under regulations made by the Minister are to be treated as if they were then so employed.

(4) A smallholdings authority may with the approval of the Minister let a smallholding, or two or more smallholdings together to persons proposing to farm the smallholding or smallholdings on a co-operative system, notwithstanding that all of the said persons have not had such experience as aforesaid, but before approving any letting under this subsection the Minister shall satisfy himself that the aggregate agricultural experience of the said persons is such as to render it likely that in co-operation they are or will become qualified to farm on their own account.

(5) Where any of the persons applying for the letting to them of a smallholding under the last foregoing subsection is at the time of the application employed, or under paragraph (b) of subsection (3) of this section to be treated as employed, under a contract of service as an agricultural worker, the Minister may direct that all the said persons shall be treated for the purposes of the said paragraph (b) as if they were then so employed.

(6) Where it appears to the Minister that a smallholdings authority is not complying with any requirement imposed by or under this Part of this Act as to the selection of tenants of smallholdings, the Minister may direct that until the direction is revoked no letting of a smallholding provided by the authority shall be made except to a person approved by the Minister, but the giving of such a direction shall not prejudice any right of the tenant under a letting made in contravention of the direction.

(7) Notwithstanding anything in the foregoing provisions of this section or in section forty-seven of this Act, where land held by a smallholdings authority for the purposes of smallholdings is not for the time being required or adapted for use for those purposes, the authority may with the consent of the Minister

let the land for such period and for such purpose as appears to them expedient, at the best rent which appears to the authority to be obtainable therefor for that purpose and on such other terms as they may determine.

PART IV.
—cont.

53.—(1) Where it appears to the Minister that a smallholdings authority have in any respect failed to fulfil their responsibilities to manage in accordance with the rules of good estate management land held by them for the purposes of smallholdings, the Minister may direct that the authority shall within such time as may be specified in the direction carry out such work on the land as may be so specified, being work which in the opinion of the Minister is necessary to remedy the non-fulfilment of their said responsibilities.

Duty of smallholdings authority to manage in accordance with rules of good estate management.

(2) If a smallholdings authority fail to comply with a direction under this section, any person authorised by the Minister in that behalf may enter on the land in question and carry out the work, and the reasonable cost of the carrying out thereof shall be recoverable by the Minister from the smallholdings authority.

(3) Any dispute arising under the last foregoing subsection as to what is the reasonable cost of any work shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

(4) The provisions of Part II of this Act as to supervision orders and directions to secure good estate management shall not apply to the management by smallholdings authorities of land held by them for the purposes of smallholdings.

54.—(1) The Minister may make loans to provide working capital for a tenant or prospective tenant of a smallholding provided by a smallholdings authority, of an amount not exceeding three-quarters of the estimated aggregate working capital required for the proper working of the smallholding.

Loans for smallholdings purposes.

In this subsection the expression “working capital” includes sums payable by an incoming tenant in respect of compensation to an outgoing tenant.

(2) The Minister may make grants or loans to any body of persons, whether corporate or unincorporated, having for its object or one of its objects the promotion through co-operative methods of efficiency in the conduct of smallholdings.

(3) The powers of the Minister under this section shall be exercised in accordance with arrangements made by him with the approval of the Treasury.

55.—(1) The Minister may make regulations as to—

(a) the management of land held by smallholdings authorities for the purposes of smallholdings, including in particular

Supplementary provisions as to management of authorities' smallholdings.

PART IV.
—cont.

the matters to be dealt with in agreements for the letting of smallholdings ; and

(b) the selection of tenants to whom smallholdings are to be let by a smallholdings authority.

(2) In considering for the purposes of sections thirty and thirty-one of this Act whether the interest of a smallholdings authority has been prejudiced as mentioned in paragraph (c) of subsection (1) of the said section thirty, regard shall be had to the effect of the breach of a term or condition in question not only on the smallholding but also on the carrying out by the authority of its arrangements for the provision and conduct of smallholdings.

Provision of smallholdings by the Minister.

Power of
Minister to
provide
smallholdings.

56.—(1) The Minister may provide smallholdings for letting to persons with previous agricultural experience with a view to affording such persons an opportunity of becoming farmers on their own account, and may acquire land for the purposes of smallholdings by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

(2) In relation to any land acquired under the last foregoing subsection, and to any other land designated by the Minister as being held by him for the purposes of smallholdings, the Minister may exercise the like powers, and shall be subject to the like obligations, as under sections forty-nine, fifty-one and fifty-two of this Act are exercisable by or incumbent on a smallholdings authority.

(3) Subject to the provisions of section fifty-two of this Act and the last foregoing subsection, nothing in this Part of this Act shall affect the operation, in relation to land designated as aforesaid, of the provisions of any enactment or instrument requiring preference to be given to persons who have served in the armed forces of the Crown during any war to which the Termination of the Present War (Definition) Act, 1918, applied.

8 & 9 Geo. 5.
c. 59.

(4) Section fifty-four of this Act shall apply in relation to smallholdings provided by the Minister as it applies in relation to smallholdings provided by a smallholdings authority, and subsection (2) of section fifty-five of this Act shall so apply with the substitution for references to a smallholdings authority of references to the Minister.

Default powers
of Minister.

57.—(1) Without prejudice to the provisions of the last foregoing section, where the Minister is satisfied that the functions of a smallholdings authority are not being satisfactorily exercised by the authority, the Minister may in any case where no power to give directions in that behalf is otherwise conferred on him by this Part of this Act direct that the authority shall exercise any of their functions in such manner as may be specified in the

direction, or may by order transfer to himself such of the functions of the authority (including the expenditure of money whether on revenue or on capital account) as may be specified in the order.

(2) Before—

- (a) making an order under the last foregoing subsection, or
- (b) coming to a decision on any application made by a smallholdings authority for the revocation of such an order relating to them, being an application made not earlier than twelve months after the making of the order or of any previous application for the revocation thereof,

the Minister shall give to the smallholdings authority in question an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so requires, afford to the authority an opportunity of being heard by a person appointed by the Minister for the purpose.

(3) Where the Minister makes an order under subsection (1) of this section, any exercise of the functions conferred on him by the order shall have effect as if he were an agent of the authority duly authorised in that behalf, but—

- (a) any expenses incurred by the Minister in the exercise of the said functions shall be defrayed in the first instance by the Minister ;
- (b) the Minister shall certify, as respects such successive periods as he may determine, the amount of the expenses so incurred in each such period and the amount of any receipts of the Minister in each such period from the exercise of the said functions, and the difference between the said amounts, as certified by the Minister, shall be recoverable by him from the authority or payable by him to the authority, as the case may require.

(4) An order varying or revoking an order under subsection (1) of this section may contain such provision with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by the Minister in the exercise of any of the functions to which the order varied or revoked relates as appears to the Minister expedient for the purposes of the varying or revoking order.

Financial provisions.

58.—(1) Where a smallholdings authority have after the commencement of this Part of this Act formulated proposals for the provision of smallholdings or for the laying out, alteration or equipment of smallholdings provided by the authority, and it appears to the authority that the proposals are likely to involve them in a loss, they may submit to the Minister estimates, in such form and containing such particulars as the Minister may prescribe, of the expenditure which the proposals will involve,

Contributions by Minister to losses incurred by smallholdings authorities.

PART IV.
—*cont.*

whether on capital or revenue account, and of the receipts which will accrue from the proposals, whether by way of rent or otherwise.

(2) Where estimates are submitted to the Minister under the last foregoing subsection, the Minister may approve the proposals and estimates either with or without modifications, and if the proposals are carried out as approved by the Minister, the Minister may, subject to such conditions as to records, certificates, audit and otherwise as he may with the approval of the Treasury prescribe, make or undertake to make contributions towards losses incurred by the smallholdings authority in the carrying out of the proposals.

(3) Subject to the provisions of the next following subsection, contributions made by the Minister under this section to any authority shall be annual contributions not exceeding three-quarters of the amount by which in carrying out the proposals in question the authority's receipts in respect of the year for which each contribution is made, as estimated in the estimates approved under subsection (2) of this section, fall short of their expenditure in respect of the said year, as estimated as aforesaid :

Provided that in so far as the said expenditure consists of the payment of interest or sinking fund charges on moneys borrowed for the purpose of carrying out the proposals, the amount thereof shall be calculated for the purposes of this subsection by reference to the actual amount of the moneys so borrowed.

(4) The Minister shall not make an annual contribution under this section for any year earlier than the first year in which in his opinion the proposals of the smallholdings authority have been brought into full operation ; but in respect of all such earlier years taken together the Minister may make to the authority a contribution not exceeding three-quarters of the amount by which the actual receipts of the authority in respect of those years in carrying out the proposals fall short of their actual expenditure in respect of those years in the carrying out thereof, the said expenditure being calculated, in so far as it consists of expenses of management, in such manner as the authority may with the approval of the Minister determine.

(5) Where a smallholdings authority have submitted estimates under subsection (1) of this section in connection with any proposals, and the authority subsequently vary their proposals, the authority shall submit to the Minister such estimates in relation to the proposals as varied as are specified in subsection (1) of this section ; and—

(a) the foregoing provisions of this section shall apply, in relation to the making of contributions in respect of any period after the submission of the last-mentioned estimates, as if those estimates and the proposals as

varied had been the original estimates and proposals of the authority ;

PART IV.
—*cont.*

(b) the Minister may vary any agreement to make contributions made by him under this section accordingly.

(6) Where the Minister is satisfied that a smallholdings authority has reasonably incurred expenses in connection with the preparation of such proposals and estimates as aforesaid, or in connection with preparations for the acquisition of land for the purposes of any such proposals, and the proposals are not carried out, the Minister may make to the authority a contribution towards the expenses of an amount not exceeding three-quarters thereof.

(7) The Minister may with the approval of the Treasury make regulations for the purposes of the foregoing provisions of this section, and in particular such regulations—

(a) may make provision for treating the submission of a scheme which is approved under section fifty of this Act as if it were the submission of estimates under subsection (1) or subsection (5) of this section, and for withholding or reducing contributions where the approval of the Minister is not obtained under the said section fifty or where in any other respect a smallholdings authority do not comply with any requirement imposed on them by or under this Part of this Act in relation to smallholdings provided by them ;

(b) may empower the Minister, as a condition of consenting to the sale, letting or appropriation of any of the land to which estimates submitted under this section relate, to require the submission to him of revised estimates, and may provide for the adjustment of any contributions in accordance with revised estimates so submitted ;

(c) may make provision as to the making of applications for the payment of contributions agreed to be made by the Minister under this section and as to the time at which payments of contributions under this section may be made.

59. The Small Holdings and Allotments Account shall, in accordance with directions of the Treasury, be wound up as at such date as the Treasury may direct, being a date not later than the end of the financial year next after that in which this Part of this Act comes into operation, and—

Winding-up of
Small Holdings
and Allotments
Account.

(a) any payments which apart from this section would be authorised to be paid out of that Account shall, if falling due after that date, be defrayed out of moneys provided by Parliament ;

(b) any balance in the said Account at that date, and any receipts of the Minister after that date, being receipts

PART IV.
—*cont.*

which apart from this section would be authorised to be paid into that Account, shall be paid into the Exchequer.

Accounts, etc.,
of small-
holdings
authorities.

60.—(1) A smallholdings authority shall keep a separate account of its receipts and expenses with respect to smallholdings and any such receipt shall be applicable only for smallholdings purposes, unless the consent of the Minister of Health is obtained to its application for other purposes.

(2) Where the receipt or payment of money is under this Part of this Act entrusted by a smallholdings authority to any committee or sub-committee of the authority, the accounts thereof shall be accounts of the authority, and made up and audited accordingly.

Supplementary provisions.

Constitution
and functions
of small-
holdings
committees.

61.—(1) For every smallholdings authority for the time being holding, or proposing to acquire, land for the purposes of smallholdings, there shall be constituted a smallholdings committee.

(2) There shall be referred to the smallholdings committee for report and recommendation all matters relating to the exercise by the smallholdings authority of their functions in relation to smallholdings; and the committee shall have power to refer as aforesaid to a sub-committee all or any of the matters referred to the committee under this subsection.

(3) The council of a county may refer as aforesaid to the smallholdings committee constituted by them under this section any other matters relating to the exercise of the council's functions in connection with agriculture, except matters which under any enactment other than an enactment contained in this Part of this Act are required to be so referred to some other body, and where any such other matters are so referred to the smallholdings committee that committee shall have power so to refer to a sub-committee all or any of the matters referred to the committee.

(4) Where under the foregoing provisions of this section any matter is authorised or required to be referred to a committee or sub-committee, there may be delegated to them, either with or without conditions or restrictions, any functions relating to the matters referred, other than powers of raising a rate or borrowing money.

(5) Where, without functions of an authority or committee being delegated under this section, matters to which the functions relate are referred thereunder to a committee or sub-committee, the authority or committee shall unless in their opinion the case is urgent receive and consider the report of the committee or sub-committee with respect to the matters referred to them.

(6) Any committee or sub-committee constituted under this section shall consist of members of the constituting authority or

committee together with such less number of other persons, if any, as may be determined under the next following subsection.

PART IV.
—cont.

(7) Subject to the provisions of the last foregoing subsection, the constitution of such committees and sub-committees shall be determined in accordance with arrangements made by the smallholdings authority and approved by the Minister, and such arrangements shall provide for the attendance on the smallholdings committee, and any sub-committee thereof to which matters relating to smallholdings are referred, of an officer of the Minister appointed for the purpose and for the notification to the officer of meetings of the smallholdings committee and any such sub-committee.

(8) Section fifty of the Small Holdings and Allotments Act, 1908 (which provides for the constitution by the council of a county or county borough of a smallholdings and allotments committee) shall cease to have effect. ^{8 Edw. 7. c. 36.}

62. Every smallholdings authority shall compile and keep, and, if so required at any time by a person authorised by the Minister in that behalf, produce to him,— ^{Keeping of lists of smallholdings.}

(a) a record of the smallholdings provided by the authority and of the persons in occupation of such of the smallholdings as are let by the authority and the rents at which those smallholdings are let, and of the purchasers of such of the smallholdings as have been sold by the authority ; and

(b) a map or plan showing the size, boundaries and situation of each smallholding provided by the authority.

63.—(1) Every smallholdings authority shall, before such date in each year as the Minister may direct, send to the Minister a report, relating to such matters as the Minister may direct, of the proceedings of the authority during the foregoing financial year. ^{Annual reports of smallholdings authorities and of Minister.}

(2) The Minister shall lay before Parliament a report in respect of each financial year summarizing his proceedings in relation to smallholdings, and the proceedings of smallholdings authorities, for that year, and—

(a) every report of the Minister under this subsection shall include in particular a statement of the number of smallholdings provided (whether by the Minister or by smallholdings authorities) during the year to which the report relates and the amount of the contributions payable to smallholdings authorities by the Minister in respect of that year and of other expenses incurred by him in respect thereof in connection with smallholdings ;

PART IV.
—*cont.*

(b) every third report of the Minister under this subsection shall include an estimate of the liabilities likely to be incurred by him in respect of the payment of contributions to smallholdings authorities.

6 & 7 Geo. 5.
c. 38.

(3) Section ten of the Small Holding Colonies Act, 1916 (which provides for the presentation to Parliament of an annual report of the proceedings of the Minister under that Act) shall cease to have effect.

Exercise, in relation to smallholdings, of powers of smallholdings authority to purchase, sell, let, exchange and appropriate land.

23 & 24 Geo. 5.
c. 51.

64.—(1) The foregoing provisions of this Part of this Act shall have effect, in relation to the acquisition of land by a smallholdings authority for the purposes of this Part of this Act, in substitution for the provisions of the Local Government Act, 1933 as to the acquisition of land by local authorities.

(2) Except with the approval of the Minister, a smallholdings authority shall not sell, or let otherwise than in accordance with the foregoing provisions of this Part of this Act, any land held by them for the purposes of smallholdings.

(3) Section one hundred and sixty-three of the said Act of 1933 (which confers power on a local authority with the approval of the Minister of Health to appropriate land for any purpose for which the authority are authorised to acquire land), section one hundred and sixty-four of the said Act (which confers on local authorities power to let land, subject to the consent of the Minister of Health in certain cases) and section one hundred and sixty-five thereof (which empowers a local authority with the consent of the Minister of Health to sell any land not required for the purpose for which it was acquired or is being used, and to exchange land for other land) shall, in relation to land held by a smallholdings authority for the purposes of smallholdings, have effect subject to the foregoing provisions of this section, and with the substitution for references to the Minister of Health of references to the Minister.

Application of Part IV to councils of county boroughs.

65.—(1) The Minister may, on the application of the council of a county borough, direct that the provisions of this Part of this Act, other than this section, shall apply in relation to the council as they apply in relation to the council of a county, being a smallholdings authority.

(2) The Minister may, whether on the application of the council of the county borough concerned or otherwise, revoke any direction for the time being in force under this section.

(3) Where no direction under this section is in force in relation to the council of any county borough, but land is held by the council for the purposes of smallholdings (whether in consequence of a previous direction under this section or of the exercise of powers conferred by the Small Holdings and Allotments Acts, 1908 to 1931), then subject to the provisions of the next following subsection the provisions of this Part of this Act, other than this

section, shall as respects that land apply in relation to the council as they apply in relation to the council of a county, being a smallholdings authority.

PART IV.
—cont

(4) Where the said provisions of this Part of this Act apply by virtue of the last foregoing subsection, then—

- (a) so much of the said provisions as imposes a duty to provide smallholdings shall apply as if it conferred a power so to do ;
- (b) the council shall not have power to acquire or appropriate land for the purposes of smallholdings, whether by virtue of the said provisions or otherwise :

Provided that as respects land held by the council for smallholdings purposes by virtue of the grant of a tenancy or the compulsory hiring of the land, nothing in paragraph (b) of this subsection shall prevent the extension or renewal of the tenancy or the compulsory purchase of the land.

(5) Where by virtue of this section the provisions of section sixty-one of this Act apply to the council of a county borough—

- (a) nothing in subsection (3) of that section shall prevent the council referring thereunder to the smallholdings committee any matters relating to the exercise of the council's functions in connection with allotments, so however that those matters shall not be referred to the smallholdings committee unless a sub-committee of the smallholdings committee is constituted in accordance with the provisions of section fourteen of the Allotments ^{12 & 13 Geo. 5.} Act, 1922, and the matters are referred by the small- ^{c. 51.} holdings committee to that sub-committee ;
- (b) reference of the said matters to the smallholdings committee under the said section sixty-one shall be sufficient compliance with the requirements of the said section fourteen as to reference to an allotments committee.

66.—(1) The expression “ smallholding ” in this Part of this Act means a holding (other than a holding provided, or such as apart from this Act could be provided, under any enactment relating to the provision of cottage holdings) used or intended to be used for agriculture, being either a holding of which the area exceeds one acre and does not exceed fifty acres or a holding of which the area exceeds fifty acres but does not exceed seventy-five acres and the annual full fair rent (as defined in subsection (2) of section fifty-two of this Act) does not exceed one hundred and fifty pounds. Definition of “ smallholding.”

(2) In relation to holdings provided otherwise than under this Part of this Act the said expression includes any holding (other than as aforesaid) falling within the meaning assigned to the said expression by the Small Holdings and Allotments Acts, 1908 to 1931.

PART IV.

—*cont.*

Application
and repeal of
provisions of
Small Holdings
and Allot-
ments Acts,
1908 to 1931.

67.—(1) The provisions of the Small Holdings and Allotments Acts, 1908 to 1931, specified in the first column of Part I of the Eighth Schedule to this Act (which relate to the matters specified in the second column of the said Part I) shall with the necessary modifications apply for the purposes of this Part of this Act.

(2) Subject to the foregoing provisions of this Part of this Act, the said Acts, other than the provisions thereof specified in the said Part I, are hereby repealed in so far as they relate to smallholdings :

Provided that—

52 & 53 Vict.
c. 63.

(a) without prejudice to subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the provisions of the said Acts specified in the first column of Part II of the Eighth Schedule to this Act, which relate to the matters specified in that column, shall continue in operation to the extent specified in the second column of the said Part II, but subject to any modification so specified ;

9 & 10 Geo. 5.
c. 59.

(b) nothing in this subsection shall affect the provisions of the said Acts relating to the acquisition, and to proceedings in relation to the acquisition, of land for the purposes of small holdings as those provisions apply, by virtue of section seventeen of the Land Settlement (Facilities) Act, 1919, to the acquisition of land by county councils for allotments.

PART V.

ADMINISTRATIVE AND GENERAL.

The Agricultural Land Commission

Establishment
of Agricultural
Land
Commission
and Welsh
Agricultural
Land Sub-
Commission.

68.—(1) There shall be established a Commission to be called the Agricultural Land Commission which, subject to the provisions of this section, shall be charged with the functions—

(a) of managing and farming land vested in the Minister, or for the management or farming of which he has become responsible, being land which is placed by him under the control of the Commission ;

(b) of advising and assisting the Minister in matters relating to the management of agricultural land, and with such other functions as may be entrusted to the Commission by or under the provisions of this Act.

(2) The Commission shall be a body corporate by the name of " the Agricultural Land Commission " with perpetual succession and a common seal, and shall consist of a chairman and not less than three nor more than six other members appointed by the Minister.

One of the said other members shall be appointed by the Minister to act as deputy chairman.

PART V.
—*cont.*

(3) The functions of the Commission shall not include the acquisition or the disposal of land, except that where land is placed under the control of the Commission for the purposes of paragraph (a) of subsection (1) of this section the Commission may in the name and on behalf of the Minister grant any tenancy of the land which could have been granted by the Minister :

Provided that the Commission shall not grant any such tenancy for a greater interest than from year to year except with the approval of the Minister.

(4) Subject as aforesaid, the Commission shall have power to enter into such transactions and do all such things (whether or not involving the expenditure of money) as in their opinion are expedient for the proper discharge of their functions.

(5) Such of the functions of the Commission relating to Wales and Monmouthshire as may be determined by the Commission shall be delegated by the Commission, subject to such conditions or restrictions as may be so determined, to a Sub-Commission to be called the Welsh Agricultural Land Sub-Commission, which shall consist of a chairman appointed by the Minister, being a member of the Commission, and three other persons appointed by the Minister.

(6) The persons appointed to be members of the Commission and the Sub-Commission shall be persons appearing to the Minister to be qualified as having appropriate technical, commercial or administrative qualifications, and one of the persons appointed to be a member of the Commission shall be a person appearing to the Minister to be qualified as having special knowledge and experience of agriculture in Wales.

(7) The Commission in the exercise of their functions, and the Sub-Commission in the exercise of functions delegated to them, shall comply with such directions of a general character as may be given to them by the Minister.

(8) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of the Commission and the Sub-Commission and otherwise in relation to them.

69.—(1) The Agricultural Land Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions.

Powers of
Commission
and Sub-
Commission to
hold inquiries.

(2) If the Minister is satisfied that, for the purposes of any inquiry on the part of the Commission into a particular matter, it is necessary so to do, the Minister may by order specifying the matter to be inquired into direct that in respect of any

PART V.
—*cont.*11 & 12 Geo. 5.
c. 7.

meeting of the Commission held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if they were a tribunal established in accordance with that Act and as if that Act had been applied to the Commission in the manner thereby required.

(3) In relation to any functions delegated to the Welsh Agricultural Land Sub-Commission the foregoing provisions of this section shall have effect with the substitution of references to the Sub-Commission for references to the Commission and of a reference to two members for the reference to three members.

(4) Any order under this section shall be laid before Parliament forthwith after being made, and if either House of Parliament, within a period of forty days beginning with the day on which any such order is laid before it, resolves that an Address be presented to His Majesty praying that the order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

Annual
report of
Commission.

70.—(1) The Agricultural Land Commission shall as respects each financial year prepare and submit to the Minister a report on the discharge, whether by the Commission or the Welsh Agricultural Land Sub-Commission, of the functions of the Commission and accounts showing separately the results of the discharge of the said functions in relation to farming and in relation to the management of land.

(2) The report for any year shall set out any direction given by the Minister to the Commission or the Welsh Agricultural Land Sub-Commission during that year, unless the Minister has notified to the Commission his opinion that it is against the national interest to do so.

(3) The accounts for each year shall be in such form as the Minister may with the approval of the Treasury direct.

(4) The report and accounts for any year shall be submitted to the Minister at such time as he may with the approval of the Treasury direct.

(5) The Minister shall, on or before the thirtieth day of November in any year, transmit to the Comptroller and

Auditor General the accounts prepared by the Commission under this section for the financial year last ended.

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—*cont.*

(6) The Minister shall lay before Parliament the reports of the Commission submitted to him under this section; and the Comptroller and Auditor General shall examine and certify the accounts of the Commission transmitted to him under this section and lay before Parliament copies of the accounts, together with his report thereon.

County Agricultural Executive Committees.

71.—(1) For each administrative county, except the County of London, the Minister shall establish a County Agricultural Executive Committee which shall be charged, in relation to the county for which the Committee are established, with the duty of promoting agricultural development and efficiency by such means as the Minister may direct and of exercising such functions as the Minister may delegate to the Committee under the next following section.

Establishment
and functions
of County
Agricultural
Executive
Committees.

(2) The Minister may by order direct that any two or more administrative counties shall be treated for the purposes of this section and the Schedules therein referred to as if those counties taken together were a single administrative county; and the provisions of the Tenth Schedule to this Act shall have effect in relation to any order under this subsection.

(3) A County Agricultural Executive Committee may with the approval of the Minister, and shall if the Minister so requires, appoint one or more sub-committees, and the County Agricultural Executive Committee shall refer to a sub-committee for report and recommendation such matters as may be determined by the Committee with the approval of the Minister or as may be required by the Minister, and shall delegate to a sub-committee such of the functions of the Committee, to such extent and subject to such conditions or restrictions, as may be so determined or required.

(4) A County Agricultural Executive Committee may with the approval of the Minister, and shall if the Minister so requires, appoint one or more district committees for such part or parts of the county as may be determined by the County Agricultural Executive Committee with the approval of the Minister or as may be required by the Minister, and the County Agricultural Executive Committee shall refer to a district committee for report and recommendation such matters relating to the part of the county for which the district committee are appointed as may be so determined or required.

(5) In the exercise of their functions a County Agricultural Executive Committee shall comply with any directions given by the Minister, and a sub-committee or district committee shall comply with any directions given by the Minister or by

PART V.
—cont.

the County Agricultural Executive Committee by which the sub-committee or district committee were established.

(6) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of County Agricultural Executive Committees, sub-committees and district committees and otherwise in relation thereto.

(7) Without prejudice to the provisions of the next following section, the functions under any enactment of any War Agricultural Executive Committee therein referred to shall in such cases as may be prescribed be transferred to the Minister.

(8) For the purposes of this section and of the Schedules therein referred to—

- (a) a county borough which is surrounded by a single administrative county shall be treated as if it were included in that county,
- (b) any other county borough shall be treated as if it were included in such adjoining administrative county as the Minister may direct, or, if the Minister so directs, as if it were included partly in one such county and partly in another,
- (c) the county of London shall be treated as if any such part thereof as the Minister may direct were included in such adjoining administrative county as he may direct, and
- (d) the Isles of Scilly shall be treated as if those Isles were an administrative county.

**Delegation of
functions of
Minister to
County
Agricultural
Executive
Committees.**

72. The Minister may make regulations providing for delegating to a County Agricultural Executive Committee, to such extent and subject to such conditions or restrictions as may be specified by or under the regulations, such of his functions—

- (a) under this Act;
- (b) under any other enactment (whether passed before or after the passing of this Act), being functions relating to agriculture,

as may be so specified.

*Agricultural Land Tribunals.***Establishment,
constitution
and procedure
of Agricultural
Land
Tribunals.**

73.—(1) For the purposes of this section, the Minister shall by order constitute such number of areas, together comprising the whole of England and Wales, as he may consider expedient, and for each area so constituted there shall be established an Agricultural Land Tribunal, which shall be charged with the duty of determining matters referred to them under this Act.

(2) The provisions in that behalf of the Ninth Schedule to this Act shall have effect as to the constitution of Agricultural Land Tribunals and otherwise in relation thereto.

(3) The Minister may by order make provision for the procedure of Agricultural Land Tribunals, and in particular—

(a) for the taking of evidence on oath, affirmation or otherwise, the cross-examination of witnesses, and for the summoning of witnesses in like manner as for the purposes of an arbitration under the Agricultural Holdings Act, 1923;

(b) for the recording and proof of the decisions of the Tribunals, and for enabling the Tribunals to decide by a majority;

(c) for the sitting of Tribunals in two or more divisions, and for the assignment of the work of a Tribunal among the divisions thereof.

(4) An order under the last foregoing subsection may make different provision for the procedure on different classes of reference to the Tribunals.

74.—(1) In any case where by any of the provisions of this Act a person is empowered to require that a proposal of the Minister to take any action shall be referred to the Agricultural Land Tribunal, then if within the prescribed time and in the prescribed manner the said person so requires, the proposal shall be referred accordingly.

Proceedings
before
Agricultural
Land
Tribunal on
reference of
Minister's
proposals.

(2) On any such reference the Tribunal shall determine—

(a) whether the conditions as to which the Minister must be satisfied before taking the action are fulfilled, and

(b) whether, having regard to their determination under the foregoing paragraph and to all the circumstances of the case, the Minister should or should not take the action proposed,

and shall report to the Minister accordingly; and the Minister shall forward a copy of the report to any person who availed himself of an opportunity to make representations to the Minister afforded to him under the provisions in question of this Act.

(3) In any such case as is mentioned in subsection (1) of this section the Minister shall not give effect to the proposal until the expiration of the period within which a reference to the Tribunal may be required.

(4) Where such a reference is duly required the Minister shall act in accordance with the report of the Tribunal and not otherwise.

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—*cont.*

(5) Forthwith after taking action in any such case as is mentioned in subsection (1) of this section the Minister shall serve notice thereof in writing on any person who under the provisions in question of this Act was entitled to be afforded an opportunity to make representations to the Minister.

Supplementary administrative provisions.

Provisions as to land lying partly in one area and partly in another.

75. Where any land lies partly in the area of the Welsh Agricultural Land Sub-Commission and partly outside that area, or partly in the area of one County Agricultural Executive Committee and partly in the area of another, or partly in the area of one Agricultural Land Tribunal and partly in the area of another, the Minister may direct that for the purposes of anything required or authorised to be done by or before the Sub-Commission or the Agricultural Land Commission, or by or before such a committee or tribunal, as the case may be, in relation to that land the whole of the land shall be deemed to be comprised in the area comprising such part of the land as may be specified in the direction.

Dissolution of Councils of Agriculture, the Agricultural Advisory Committee and county agricultural committees established under 9 & 10 Geo. 5 c. 91.

76.—(1) The Councils of Agriculture and the Agricultural Advisory Committee established under Part II of the Ministry of Agriculture and Fisheries Act, 1919, and the agricultural committees established under Part III of that Act, are hereby dissolved.

(2) In paragraph (6) of the Schedule to the Corn Production Acts (Repeal) Act, 1921 (which empowers the Minister to delegate his functions under that Schedule to the agricultural committee of a county or borough) for the words "the Agricultural Committee of" there shall be substituted the words "the Council of".

11 & 12 Geo. 5. c. 48.

1 Edw. 7. &

1 Geo. 6. c. 70.

(3) In subsection (2) of section fifteen of the Agriculture Act, 1937 (which provides for the payment of grants for land drainage expenses to the councils of county boroughs, except a county borough which has not established an agricultural committee) the words from "and except the council" to the end of the subsection shall cease to have effect.

Statistics of Agriculture in Great Britain.

Agricultural Statistics Advisory Committees.

77.—(1) The Minister and the Secretary of State shall establish committees, to be known respectively as the Agricultural Statistics Advisory Committee and the Scottish Agricultural Statistics Advisory Committee, to advise the said Minister respectively in the making of regulations under the next following section.

(2) Each Committee shall consist of such number of persons appointed by the Minister or the Secretary of State, as the case may be, on such terms as to tenure of office, as he may

determine, and in the appointment of members of the Committee he shall secure that the Committee includes persons appearing to him to represent the interests of owners and farmers of land used for agriculture and of persons employed in agriculture.

(3) The Minister or the Secretary of State may pay to the members of the Committee appointed by him such travelling and other allowances as he may with the approval of the Treasury determine.

78.—(1) Where it appears to the Minister expedient so to do for the purpose of obtaining statistical information relating to agriculture, he may, after consultation with the Committee established by him under the last foregoing section, make regulations providing for the service upon owners and occupiers of land used for agriculture, or of land which the Minister has reason to believe may be so used, of notices requiring them to furnish in writing, in such form and manner and to such person as may be prescribed, and within such time and with respect to such date or dates or such period or periods as may be specified in the notice, the prescribed information (including, as respects paragraphs (c) to (e) of this subsection, the prescribed information as to quantities, values, expenditure and receipts) relating to—

Power to obtain agricultural statistics.

- (a) the situation, area, description and extent of land used for agriculture and owned or farmed by them, the date of acquisition of the land and the date at which so much thereof as is comprised in any agricultural unit became comprised therein, the rates payable in respect of the land and the assessment of the land for the purposes of Schedule A of the Income Tax Act, 1918,
- (b) the names and addresses of the owners and occupiers of the land, whether the land or any, and if so what, part thereof is let and at what rent,
- (c) the character and use of different parts of the land, the time at which any use thereof was begun or will become fully effective, and their produce at any time during the period beginning one year before, and ending one year after, the time at which the information is required to be furnished,
- (d) fixed and other equipment, livestock, and the stocks of agricultural produce and requisites held in respect of the land, and the provision and maintenance of such equipment, livestock and requisites and the provision of agricultural services for the benefit of the land,

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—cont.

PART V.
—cont.

- (e) the methods and operations used on the land, the marketing or other disposal of the produce thereof, any payments received under any enactment in respect of such produce, and the provision of agricultural services otherwise than for the benefit of the land,
- (f) the number and description of persons employed on, or employed by the occupier in disposing of the produce of, the land, and the remuneration paid to, and hours worked by, persons so employed or such persons of different descriptions,

and regulations under this section may apply either to owners or occupiers generally or to such descriptions of owners or occupiers as may be prescribed.

In this subsection the expression "livestock" includes any animal.

(2) For the purpose of obtaining statistical information relating to agriculture, any person authorised by the Minister in that behalf may, after giving not less than twenty-four hours notice and on producing if so required evidence of his authority to act for the purposes of this subsection, orally require the owner or occupier of land to furnish to him within a reasonable time, and either orally or in writing as the said owner or occupier may elect, such information, whether or not specified in the said notice, as the said person authorised by the Minister may require, being information which the owner or occupier, as the case may be, could have been required to furnish under the last foregoing subsection.

(3) References in the two last foregoing subsections to the owner of land include references to a person exercising, as servant or agent of the owner, functions of estate management in relation to the land, and references in those subsections to the occupier of land include references to a person responsible for the control of the farming of the land as servant or agent of the occupier thereof.

(4) No person shall be required under the foregoing provisions of this section to furnish any balance sheet or profit and loss account, but this subsection shall not prevent the requiring of information by reason only that it is or might be contained as an item in such a balance sheet or account.

(5) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice authorised or required by subsection (1) or (2) of this section to be served on an occupier shall be deemed to be duly served if it is addressed to him by the description of "the occupier" of the land in question and sent by post to, or delivered to some person on, the land.

PART V.
—cont.

(6) For the purposes of this and the three next following sections the expression "owner" means, in relation to land, a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, and includes also a person holding, or entitled to the rents and profits of, the land under a lease or agreement.

(7) The provisions of this and the three next following sections shall extend to Scotland with the substitution for references to the Minister of references to the Secretary of State, and with the substitution for the definition of the expression "owner" in the last foregoing subsection of the following definition—

"The expression 'owner,' in relation to land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease."

(8) The Agricultural Returns Act, 1925, shall cease to have effect, and the reference to that Act in subsection (2) of section thirty-four of the Agricultural Development Act, 1939, shall be construed as a reference to this section. 15 & 16 Geo. 5.
c. 39.
2 & 3 Geo. 6.
c. 48.

79. The Minister may by regulation require that parties to any sale of land which immediately before the completion of the transaction was being used for agriculture, or to any grant, assignment or surrender of a tenancy of such land for an interest not less than that of a tenant for a year, shall within the prescribed period from the completion of the transaction furnish to the Minister, in such manner as may be prescribed, information as to the names and addresses of the parties to the transaction and the situation and extent of the land thereby affected. Information as to dealings in land used for agriculture.

80. No information relating to any particular land or business, being information which has been obtained under section seventy-eight or seventy-nine of this Act, shall be published or otherwise disclosed without the previous consent in writing of the person by whom the information was furnished and every other person whose interests may in the opinion of the Minister be affected by the disclosure, being an owner or the occupier of the land: Restriction on disclosure of information.

Provided that nothing in this section shall restrict the disclosure of information—

(a) to the Minister in charge of any Government department, to any authority acting under an enactment for regulating the marketing of any agricultural produce, or to any person exercising functions on behalf of any such Minister or authority for the purpose of the exercise of those functions;

PART V.
—*cont.*

- (b) to an authority having power under any enactment to give permission for the development of land, for the purpose of assisting that authority in the preparation of proposals relating to such development or in considering whether or not to give such permission;
 - (c) if the disclosure is confined to situation, extent, number and kind of livestock, character of land, and name and address of owner and occupier, to any person to whom the Minister considers that the disclosure thereof is required in the public interest;
 - (d) to any person for the purposes of any criminal proceedings under the next following section or for the purposes of any report of such proceedings,
- or the use of information in any manner which the Minister thinks necessary or expedient in connection with the maintenance of the supply of food in the United Kingdom.

Penalties.

81.—(1) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under section seventy-eight or seventy-nine of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) If any person—

- (a) in purported compliance with a requirement imposed under section seventy-eight or seventy-nine of this Act knowingly or recklessly furnishes any information which is false in any material particular, or
- (b) publishes or otherwise discloses any information in contravention of the last foregoing section,

he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

General powers of acquisition and management of land by Minister.

**Powers of
Minister to
acquire
land by
agreement.**

82.—(1) The Minister may acquire by agreement—

- (a) any land used for agriculture;
- (b) any other land falling within the definition in this Act of the expression agricultural land;
- (c) where any such land as aforesaid is offered to the Minister for acquisition by him on the condition that he also acquires other land not falling within the two foregoing paragraphs, that other land;

- (d) any other land as respects which power is conferred on the Minister by this Act to purchase the land compulsorily in accordance with the provisions of this Act in that behalf.

(2) Where in pursuance of this section the Minister purchases land under the Ecclesiastical Leasing Acts, the consent of the patron to the sale shall not be necessary.

83. The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land for the purposes of agricultural research or experiment or of demonstrating agricultural methods.

Acquisition by Minister of land for research, experiment and demonstration.

84.—(1) Where—

- (a) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture is being prevented by reason of work not being carried out or fixed equipment not being provided, and that having regard to the nature of the work or equipment required for such use of the land as aforesaid it cannot reasonably be expected to be carried out or provided unless the Minister exercises his powers under this subsection; or

Acquisition of land by Minister to ensure full and efficient use thereof.

- (b) the Minister is satisfied in the case of any agricultural land that the full and efficient use of the land for agriculture will be prevented if existing fixed equipment thereon is not maintained, and that having regard to the nature of the equipment it cannot reasonably be expected to be maintained unless the Minister exercises his powers under this subsection; or

- (c) agricultural land has been severed from other such land in the exercise of powers conferred, for purposes other than agricultural purposes, by or under any enactment, or has been otherwise injuriously affected in the exercise of such powers, or such powers have been conferred and the Minister is satisfied that they will be exercised so that agricultural land will be severed or otherwise injuriously affected as aforesaid, and (in any case) the Minister is satisfied that the full and efficient use of the land for agriculture cannot be achieved unless the land is used therefor in conjunction with other land and that it cannot reasonably be expected to be so used unless the Minister exercises his powers under this subsection,

then, if the Minister proposes to secure the carrying out of the work, the provision or maintenance of the equipment, or the use of the land in conjunction with other land, as the case

PART V.
—*cont.*

may be, he may acquire the land, or any part thereof, by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf.

(2) Before proceeding with the acquisition of land under paragraph (a) or paragraph (b) of the last foregoing subsection, the Minister shall refer to the Agricultural Land Commission for their report thereon the question whether the conditions are fulfilled as to which under the said paragraph (a) or (b), as the case may be, the Minister must be satisfied before acquiring the land, and shall take into consideration the report of the Commission.

(3) On any such reference the Commission, after inspecting the land in question and making such other enquiries as appear to them requisite, shall prepare a draft report to the Minister on the question referred to them, containing such information as to work to be carried out, or fixed equipment to be provided or maintained, as mentioned in the said paragraph (a) or (b), as appears to the Commission necessary for indicating whether such work or equipment can reasonably be expected to be carried out, provided or maintained without the exercise by the Minister of his powers under subsection (1) of this section.

(4) The Commission shall publish, in such manner as appears to them best suited for informing owners, lessees and occupiers of land to which a draft report under the last foregoing subsection relates, a notice stating a place where copies of the draft report may be obtained by owners, lessees or occupiers of any of the said land, and the time within which representations may be made to the Commission by any such owners, lessees or occupiers, either orally or in writing, as to the question referred to the Commission.

(5) The Commission shall consider any such representations as aforesaid duly made, and any technical or other evidence adduced on the making of the representations, and shall then submit a report to the Minister, either in the terms of the draft or subject to such modifications as appear to the Commission expedient in the light of the said representations and evidence.

(6) The Minister shall cause any report of the Commission under this section to be published.

(7) The Minister may acquire by compulsory purchase or hiring in accordance with the provisions of this Act in that behalf any land as to which he is satisfied that its acquisition by him is necessary in order to put to full and efficient use for agriculture land acquired by him under subsection (1) of this section.

85.—(1) The following provisions of this section shall have effect for the purpose of enabling the Minister to secure or maintain the full and efficient use for agriculture—

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—cont.

Power of
Minister to
retain
possession of
land in
interests of
agricultural
production.

- (a) of agricultural land of which the Minister or a person acting under his authority is in possession, or
- (b) of other such agricultural land in conjunction with which in the opinion of the Minister the land mentioned in paragraph (a) of this subsection ought to be farmed.

(2) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of the last foregoing subsection under powers conferred by regulations made under the Emergency Powers (Defence) Acts, 1939 to 1945, or is in possession thereof under section twenty-three of the Agriculture (Miscellaneous War Provisions) Act, 1940, and the Minister is satisfied that it is necessary for the purpose mentioned in the last foregoing subsection that possession of the land should be retained by him or on his behalf, and certifies accordingly, the Minister may purchase the land compulsorily in accordance with the provisions of this Act in that behalf.

3 & 4 Geo. 6.
c. 14.

(3) Where the Minister or any person acting under his authority is in possession of the land mentioned in paragraph (a) of subsection (1) of this section by virtue of having acquired the land under section nine of the Agriculture (Miscellaneous Provisions) Act, 1941, or section sixteen of the Agriculture (Miscellaneous Provisions) Act, 1943 (which empower the Minister in certain circumstances to acquire land, but subject to an obligation to offer it for re-sale as provided in section ten of the said Act of 1941) and the Minister is satisfied that it is necessary for the purposes mentioned in the said subsection (1) that the said obligation shall not apply to the land, and certifies accordingly, the said obligation shall not apply in relation to the land.

4 & 5 Geo. 6.
c. 50.
6 & 7 Geo. 6
c. 16.

(4) The Minister shall not give a certificate under this section until, after affording—

- (a) in the case of a proposed certificate under subsection (2) of this section, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any direction under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land to which the proposed certificate is to relate,
- (b) in the case of a proposed certificate under subsection (3) of this section, to any person to whom apart

PART V.
—*cont.*

from the certificate the Minister would be under an obligation to offer to re-sell the land under section ten of the said Act of 1941,

an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, he has given notice in writing to every such person as is mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be, of the Minister's proposal to give the certificate.

(5) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal established under this Part of this Act, and the provisions in that behalf of this Part of this Act shall apply accordingly.

(6) Nothing in section nine or ten of the said Act of 1941 or section sixteen of the said Act of 1943 shall require the Minister, in the case of land acquired by him under the said section nine or sixteen, to re-sell the land except in pursuance of an offer made and duly accepted under subsections (1) to (4) of the said section ten.

Control of
subdivision of
agricultural
units.

86.—(1) If while this section is in force a major disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, then subject to the provisions of this section the Minister may within three years from the making of the disposition purchase compulsorily in accordance with the provisions of this Act in that behalf the said land and any other land which when the disposition was made formed part of the agricultural unit:

Provided that the Minister shall not have power under this subsection to purchase any such other land which since the disposition was made has been the subject of a disposition to which the consent of the Minister has been obtained or a major disposition to which when it was made this section did not apply.

(2) If while this section is in force any minor disposition to which this section applies is made of land forming part only of an agricultural unit, and the consent of the Minister to the disposition is not obtained either before or after the making thereof, the land shall be treated for the purposes of this section as continuing to form part of the unit notwithstanding the disposition or anything done in pursuance thereof:

Provided that where at any time it is shown that land has throughout the last preceding three years been farmed as part of the same agricultural unit as other land, nothing in this

subsection shall require the first-mentioned land to be treated at the said time as being outside the agricultural unit comprising that other land.

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—*cont.*

(3) Subject to the provisions of the Eleventh Schedule to this Act as to mortgages and charges, in this section the expression "disposition" means a conveyance, assignment, surrender, grant, or agreement for the grant of an interest in land; the expression "major disposition" means a conveyance of the fee simple, a grant or agreement for the grant of a tenancy for an interest greater than from year to year, or an assignment or surrender of a tenancy granted for any such interest; and the expression "minor disposition" means any other disposition; and subject to the provisions of the said Eleventh Schedule the dispositions to which this section applies are all dispositions except—

- (a) a conveyance, assignment or surrender of an interest where the disposition comprises the whole of the land in an agricultural unit to which that interest extends, or a grant or agreement for the grant of an interest out of another interest if the disposition comprises the whole of the land in an agricultural unit to which the said other interest extends;
- (b) a conveyance of the fee simple, or an assignment, grant or agreement for the grant of a tenancy, made in pursuance of a specific devise, bequest or direction in that behalf contained in any testamentary instrument;
- (c) any disposition made in pursuance of a contract in writing entered into at a time when this section is not in force.

(4) The Minister shall not refuse his consent under this section to any disposition, or exercise any power of compulsory purchase under subsection (1) of this section, unless, after affording—

- (a) in the case of an application for the Minister's consent to a disposition, to the parties thereto;
- (b) in the case of a compulsory purchase of land, to every person on whom under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, and apart from any directions under that paragraph, a notice would be required to be served of a proposed compulsory purchase order under that Act authorising the compulsory purchase of the land,

an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed

PART V.
—*cont.*

by the Minister, the Minister is satisfied that it is expedient so to do in order to avoid a less efficient use for agriculture of the land in question, and certifies accordingly.

(5) Before giving a certificate in a case falling within paragraph (b) of the last foregoing subsection the Minister shall give notice in writing to every such person as is specified in that paragraph of his proposal to give the certificate.

(6) Any person to whom notice of a proposal is given under the last foregoing subsection may require that the proposal shall be referred to the Agricultural Land Tribunal, and the provisions of this Part of this Act in that behalf shall apply accordingly.

(7) This section shall be in force during any such period as the Minister may by order determine, and any order under this subsection may have effect either generally or in relation to such area as may be specified therein.

(8) Any order under the last foregoing subsection shall be of no effect unless approved by resolution of each House of Parliament.

Experimental
schemes for
re-adjustment
of farm
boundaries.

87.—(1) Where it appears to the Minister, in the case of any area, that it is for consideration whether in the interests of the full and efficient use of land for agriculture adjustments should be made in the boundaries between agricultural units in the area, or whether any such agricultural units or parts thereof should be amalgamated with other such agricultural units or parts thereof, the Minister may refer the matter for consideration to the Agricultural Land Commission (hereafter in this section referred to as "the Commission").

(2) On any such reference the Commission shall, after causing the area to which the reference relates to be inspected and affording an opportunity to persons appearing to them to be likely to be affected by any such adjustment or amalgamation to make representations to the Commission, submit a report to the Minister—

(a) stating whether in the opinion of the Commission it is desirable to promote a scheme for securing such adjustments or amalgamations as are mentioned in subsection (1) of this section, and

(b) if they report that it is desirable so to do, setting out a provisional scheme for that purpose;

and if after considering the report of the Commission the Minister is of opinion that it is desirable to promote such a scheme as aforesaid, he shall, subject to the provisions of the next following subsection, direct the Commission to proceed with the preparation of a final scheme for submission to the Minister and confirmation by him.

(3) The Minister shall not, save as hereinafter provided, direct the Commission to proceed with the preparation of a final scheme under this section in the case of more than three areas:

Provided that the Minister may by order direct that the foregoing provisions of this subsection shall have effect with the substitution therein of such greater number of areas as may be specified in the order, but any order made under this proviso shall be of no effect unless approved by resolution of each House of Parliament.

(4) The provisions of the Twelfth Schedule to this Act shall have effect in relation to references to the Commission under this section and to the form, confirmation, variation, validity and coming into operation of schemes thereunder.

(5) The Commission may by notice in writing served on any person require him to furnish to them any such information as to the owners of interests in, and occupiers of, land specified in the notice as appears to the Commission requisite for the purposes of their functions under this section and the said Twelfth Schedule, and if without reasonable excuse any person on whom such a notice is served fails within a reasonable time to furnish to the Commission the information required, he shall be liable on summary conviction to a fine not exceeding ten pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.

(6) It shall be the duty of the Commission to secure the carrying out of any final scheme which has come into operation under this section, either as confirmed or, with the consent of persons appearing to the Commission to be affected and the approval of the Minister, subject to such modifications as appear to the Commission expedient for the purposes of the scheme.

(7) Where—

(a) the Commission report to the Minister at any time after the coming into operation of a final scheme that the carrying out of the scheme is being hindered by failure to reach agreement in relation to the disposal of, or of any interest in, any land in the area to which the scheme relates, and

(b) the Minister is satisfied that it is necessary in order to carry out the scheme that he should exercise his powers under this subsection,

the Minister may purchase that land compulsorily in accordance with the provisions of this Act in that behalf.

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—*cont.*

(8) The owner of any land to which a final scheme under this section relates may at any time after the expiration of seven years from the coming into operation of the scheme, if the purchase under the last foregoing subsection of his interest in the land has not then become obligatory, give notice in writing to the Minister that he desires to avail himself of the provisions of this subsection, and where such a notice is given then unless within three months from the giving of the notice either—

- (a) the purchase of the interest under the last foregoing subsection has become obligatory, or
- (b) the Minister has made to the owner an offer to purchase his interest at a price to be agreed, or, in default of agreement, at the like price, determined in the like manner, as if the purchase were compulsory,

his interest shall be treated as excepted from compulsory purchase under the last foregoing subsection.

In this subsection the expression “ owner ”, in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired period whereof exceeds three years.

(9) On the completion of the carrying out of any final scheme under this section the Commission shall submit to the Minister a report on the carrying out of the scheme and the Minister shall, as soon as may be, lay copies of the report before Parliament.

(10) Where for the purposes of a final scheme under this section the landlord of a holding gives notice to quit part of the holding, then unless—

- (a) under section twenty-seven of the Agricultural Holdings Act, 1923, the tenant accepts the notice to quit as a notice to quit the entire holding, and
- (b) in consequence of the tenant so doing he becomes entitled under section thirty of this Act to compensation for disturbance in respect of the entire holding,

the tenant shall notwithstanding proviso (a) of subsection (2) of the said section thirty not be entitled to any compensation under that section in excess of the loss or expense referred to in the said subsection (2) proved to have been suffered or incurred by him.

88.—(1) The appropriate Ministers may by order provide for the transfer to the Minister, by virtue of the order and without further assurance,—

- (a) of any interest in land vested in the Minister of Works which was acquired by that Minister for the purposes of any functions of the Minister,
- (b) of any interest in other land, being an interest held on behalf of His Majesty for the purposes of any Government department, in any case where it appears to the appropriate Ministers to be expedient that the interest should be transferred to the Minister either on the ground that it is no longer required to be held for the purpose for which it was acquired or otherwise,

and any order under this section may contain such incidental and supplementary provisions as appear to the appropriate Ministers necessary or expedient for giving effect to the order.

(2) In this section the expression “ the appropriate Ministers ” means the Minister and—

- (a) in relation to paragraph (a) of the last foregoing subsection, the Minister of Works;
- (b) in relation to paragraph (b) thereof, the Minister in charge of the Government department in question.

PART V.

—cont.

Transfer to Minister of land vested in other Government departments.

89. Where any body of persons having as its object or one of its objects the promotion of land settlement agrees with the Minister for the transfer to him of land owned by the said body, the Minister shall have power to acquire the land notwithstanding that not all of it is agricultural land; and the agreement may with the approval of the Treasury provide for the remission by the Minister, in consideration of the acquisition by him of the land or of the land and other property, of debts due to the Minister from the said body.

Transfer of land from Land Settlement Associations to Minister.

90.—(1) The Minister may manage, farm, sell, let or otherwise deal with or dispose of land acquired by him—

- (a) in such manner as appears to him expedient for the purpose for which the land was acquired; or
- (b) if he is satisfied that the land ought to be devoted to some other purpose, in such manner as appears to him expedient therefor:

Powers of management, etc., of land acquired by Minister.

Provided that—

- (i) the Minister shall not sell land acquired by him except where it appears to him that, having regard to the use proposed to be made of the land, it is expedient that it should be sold by him;

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—cont.

(ii) this section shall have effect subject to any restrictions imposed by or under any enactment on the powers of the Minister.

(2) The powers of management conferred on the Minister by subsection (1) of this section shall include power to provide such facilities for the welfare of tenants of, or other persons employed in agriculture on, land managed by him as the Minister thinks expedient.

Repeal of
sections 1 to 4
of 21 & 22
Geo. 5. c. 41.

91. Sections one to four of the Agricultural Land (Utilisation) Act, 1931 (which enable the Minister to acquire land for demonstration farms and for reclamation) shall cease to have effect.

Provisions as to compulsory acquisition of land.

Procedure for
compulsory
purchase of
land.

92.—(1) Subject to the provisions of this section, where under any provision of this Act power is conferred on the Minister or a smallholdings authority to purchase land compulsorily, the power shall be exercisable for the purchase of any particular land on the Minister or the authority, as the case may be, being authorised so to purchase the land in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, and that Act shall apply accordingly—

- (a) as if paragraph (b) of subsection (1) of section one thereof (which refers to the compulsory purchase of land by the Minister of Transport under certain enactments) included a reference to any compulsory purchase of land by the Minister under this Act, and
- (b) as if this Act had been in force immediately before the commencement of the said Act of 1946:

Provided that section two of that Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this Act.

(2) Where under any provision of this Act power is conferred on the Minister to purchase any particular land compulsorily on the giving of a certificate by him, the certificate shall have effect as if it were a compulsory purchase order made under section one of the said Act of 1946, and—

- (a) where the certificate relates to land falling within subsection (2) of the said section one (which applies, to purchases of local authorities' and statutory undertakers' land, commons, open spaces and inalienable National Trust land, and ancient monuments and other objects of archaeological interest,

the special procedure set out in Part III of the First Schedule to that Act) the certificate shall be embodied in an order of the Minister and the said Part III shall apply accordingly;

PART V.
—*cont.*

(b) subsection (3) of the said section one and the Second Schedule to the said Act of 1946 (which provide for incorporation of the Lands Clauses Acts and other enactments) shall have effect in relation to the purchase, and anything which under that Schedule may be provided by a compulsory purchase order may be provided by the said certificate;

(c) in the application to the certificate of Part IV of the First Schedule to the said Act of 1946 (which relates to the validity and coming into operation of compulsory purchase orders) for references to the first publication of notice of the making of an order there shall be substituted references to the service of notice of the giving of the certificate, and for references to the requirements of the said First Schedule and of regulations made thereunder there shall be substituted references to the requirements of this Act as to the proceedings to be taken before the giving of the certificate.

(3) In relation to a compulsory purchase under section eighty-seven of this Act the said Act of 1946 shall have effect subject to the following modifications:—

(a) head (a) of sub-paragraph (1) of paragraph 3 of the First Schedule (which provides for advertisement in local newspapers) shall not apply;

(b) the Minister may disregard any objection to the compulsory purchase order if he is satisfied that the objection is made on the ground that the purchase is unnecessary or inexpedient.

93.—(1) The Minister may with the approval of the Treasury make regulations for giving effect to the provisions of this Act as to the compulsory hiring of land, and regulations under this section may provide—

(a) for prescribing the procedure for the compulsory hiring of land under this Act, being such procedure as appears to the Minister to correspond as nearly as may be with the procedure for the compulsory purchase of land under this Act;

(b) for applying to the compulsory hiring of land, with such adaptations, exceptions or modifications as appear to the Minister requisite, provisions of the

PART V.

—*cont.*

8 & 9 Vict.

c. 20.

Lands Clauses Acts, sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1847, the Acquisition of Land (Assessment of Compensation) Act, 1919, the Acquisition of Land (Authorisation Procedure) Act, 1946, except section two of the last mentioned Act, and any other provision which had effect in relation to the compulsory hiring of land under any enactment repealed by this Act;

- (c) for determining the terms and conditions of a compulsory hiring other than the rent;
- (d) for requiring questions arising on the determination of a compulsory hiring to be determined by arbitration.

(2) Regulations under this section may apply generally to all compulsory hirings under this Act or may make different provisions for different classes of such hirings.

Limitation
of period of
compulsory
hiring.

94.—(1) Subject to the provisions of this section, no compulsory hiring of land under this Act shall be for a term longer than thirty-five years.

(2) For the avoidance of doubt it is hereby declared that the fact that the Minister or smallholdings authority is in possession of land by virtue of a compulsory hiring thereof does not prevent the Minister or authority, as the case may be, purchasing the land compulsorily.

(3) Where land has been compulsorily hired under this Act or any enactment thereby repealed and the person who but for the hiring would be entitled to possession of the land requires the land or part thereof for any purpose for which it appears to the Minister expedient that the said person should resume possession thereof, the said person may with the consent of the Minister resume possession of the land or part thereof in question—

- (a) in the case of land hired by the Minister, within such period after the granting of the Minister's consent as the Minister may specify;
- (b) in the case of land hired by a smallholdings authority, upon giving to the authority twelve months' previous notice in writing of his intention so to do or such shorter notice as may have been specified for the purposes of this subsection in the order authorising the compulsory hiring of the land;

and if possession is resumed by the said person of part only of the land, the rent payable as from the date of resumption in respect of the hiring of the remainder of the land shall be reduced in such proportion as in default of agreement may be

determined in the like manner as under the last foregoing section rent is determined for the compulsory hiring of land under this Act.

PART V.
—cont.

Special directions to secure production.

§—(1) Where it appears to the Minister necessary so to do in the interest of the national supply of food or other agricultural products, he may by order direct that all or any of the powers conferred on him by the next following subsection shall be exercisable by him for a period of one year from the coming into operation of the order, or, in the case of an order made before the first day of January, nineteen hundred and fifty and confined to the powers conferred by paragraph (d) of the next following subsection, for the period ending with the thirty-first day of December in that year.

Special
directions to
secure
production.

(2) During the period for which the said powers are exercisable the Minister may by notice in writing served on the person occupying or entitled to occupy any agricultural land give such directions—

- (a) as to the use of the land for any of the purposes of agriculture and the manner in which and the produce for which it is to be so used,
- (b) as to the carrying out of any work required to enable the land to be used as directed under paragraph (a) of this subsection,
- (c) as to any other matters as to which directions may be given to an occupier of an agricultural unit where a supervision order under Part II of this Act is in force for the supervision of his farming of the unit,
- (d) without prejudice to the general powers conferred by the foregoing paragraphs, as to the maximum area of land which may be maintained on an agricultural unit under pasture laid down with clover, grass, lucerne, sainfoin or other seeds or under herbage crops grown for commercial seed production,

as appear to the Minister expedient in the interest aforesaid and reasonable having regard to the character and situation of the land and other relevant circumstances.

(3) If any person to whom a direction is given under this section contravenes or fails to comply with the direction he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) Subsections (5) to (8) of section fourteen of this Act shall apply in relation to directions under this section as they apply in relation to directions under the said section fourteen.

PART V.
—*cont.*

(5) The provisions of the Second Schedule to this Act shall have effect where a direction is given under this section requiring the ploughing-up of permanent pasture or the performing of other acts of cultivation.

(6) Nothing done or omitted by an occupier in pursuance of a direction under this section shall be treated as a failure to fulfil his responsibilities to farm land in accordance with the rules of good husbandry so long as the act or omission was reasonably necessary in consequence of the giving of the direction.

(7) Without prejudice to the general provisions of this Part of this Act as to the service of notices, any notice to be served under this section on an occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on that agent or servant.

(8) Any period for which the powers conferred on the Minister by subsection (2) of this section are exercisable shall be extended by a further year if the Minister by order made not earlier than one month before the date on which the said period would otherwise expire directs that the said period shall be so extended.

(9) The expiration of the said period shall not affect the operation of any direction under this section previously given.

(10) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament:

Provided that if at the time when such an order is made Parliament is dissolved or prorogued or both Houses are adjourned for more than four days, the foregoing provisions of this subsection shall not apply but the order shall be laid before Parliament as soon as may be and shall cease to have effect unless approved by resolution of each House of Parliament before the expiration of the twenty-eighth day on which that House has sat after the order is laid before it.

Continuation of contributions to cost of drainage, water supply and application of lime.

Continuation
of grants for
drainage of,
and supply of
water to,
agricultural
land.

96.—(1) So much of the Agriculture (Miscellaneous War Provisions) Act, 1940, as limits the period during which schemes may be approved under section fifteen thereof (under which grants may be made by the Minister towards the cost of approved schemes for field drainage and the improvement of ditches and for the supply of water to agricultural land) shall cease to have effect, but no scheme shall be approved under that section unless application for the approval thereof has been made, in such form and manner

as the Minister may with the approval of the Treasury determine, before the expiration of five years from the passing of this Act, or if the Minister by order made with the approval of the Treasury so directs, before the expiration of seven years from the passing of this Act.

(2) An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.

97.—(1) The Ministers referred to in section one of the Agriculture Act, 1937 (which provides for contributions, in accordance with a scheme known as the Land Fertility Scheme, towards the cost incurred by any occupier of agricultural land in acquiring and transporting lime for adding to the land to improve the fertility of the soil) may substitute for the Land Fertility Scheme a scheme, to be known as the Agricultural Lime Scheme, made by the said Ministers with the approval of the Treasury, and may in accordance with that scheme make contributions under the said section one—

Contributions
towards cost
of liming
agricultural
land.

(a) towards the cost incurred not only by an occupier of land but also by any other person having an interest in the land;

(b) not only towards cost incurred in acquiring and transporting lime but also towards any cost incurred or to be incurred in bringing lime from the place to which it is delivered by the supplier of the lime to the land to which it is to be added and in spreading it on that land,

and as from the coming into operation of the Agricultural Lime Scheme, for references in the said Act of 1937 and in any enactment amending that Act to the Land Fertility Scheme there shall be substituted references to the Agricultural Lime Scheme, references in Part I of that Act to the occupier of land shall include references to any such other person as is mentioned in paragraph (a) of this subsection, the reference in subsection (1) of the said section one to cost incurred in acquiring and transporting shall include a reference to any cost incurred as mentioned in paragraph (b) of this subsection, and paragraph (d) of subsection (1) of section three of the said Act of 1937 (which empowers a scheme to make provision as to the method of computing cost incurred in transporting lime) shall apply to cost incurred or to be incurred as mentioned in paragraph (b) of this subsection as it applies to cost incurred in transporting.

(2) The period during which any cost must have been incurred in order that contributions may be payable under the said section one in respect thereof shall be extended until the expiration of five years from the earlier of the following

PART V.
—cont.

PART V.
—*cont.*

dates, that is to say the date on which the Agricultural Lime Scheme comes into operation and the first day of August, nineteen hundred and forty-seven:

Provided that if the said Ministers by order made by them with the approval of the Treasury so direct, the said period shall be extended until the expiration of seven years from the earlier of the said dates.

An order made under this section shall be of no effect unless approved by resolution of each House of Parliament.

(3) Subject to the proviso to subsection (1) of the said section one (which limits contributions under that section to three-quarters of the cost incurred) the Agricultural Lime Scheme may make provision for contributions at different rates for different classes of cases specified in the scheme.

(4) This section shall extend to Scotland and to Northern Ireland.

Pest and weed control.

Prevention of
damage by
pests.

98.—(1) If it appears to the Minister that it is expedient so to do for the purpose of preventing damage to crops, pasture, animal or human foodstuffs, livestock, trees, hedges, banks or any works on land, he may by notice in writing served on any person having the right so to do require that person to take, within such time as may be specified in the notice, such steps (including such steps, if any, as may be so specified) as may be necessary for the killing, taking or destruction on land so specified of such animals or birds to which this section applies as may be so specified or the eggs of such birds.

(2) A requirement shall not be imposed under the last foregoing subsection if apart from this subsection the killing, taking or destruction in question would be prohibited by law:

1 & 2 Will. 4.
c. 32.

Provided that a requirement may be so imposed to kill or destroy game within the meaning of the Game Act, 1831, at a time of year at which apart from this proviso the killing or destruction would be prohibited by section three of that Act; and for the purposes of the last foregoing subsection a person shall not be deemed not to have the right to comply with a requirement falling within this proviso by reason only that apart from this proviso compliance therewith would be prohibited as aforesaid.

(3) Section four of the Prevention of Damage by Rabbits Act, 1939 (which allows the use in rabbit holes of poisonous gas, and the placing in rabbit holes of substances generating poisonous gas by evaporation or in contact with moisture) shall apply to the use of such gas and the placing of such substances in any hole, burrow or earth for the purpose of killing animals to which this section applies.

(4) The animals to which this section applies are rabbits, hares and other rodents, deer, foxes and moles, and the birds to which this section applies are, in relation to any area, wild birds other than those specified in the Schedule to the Wild Birds Protection Act, 1880, as it applies in that area whether by virtue of the terms thereof or of any subsequent enactment or by virtue of an order of the Secretary of State; and this section shall apply to such other animals as may be prescribed:

PART V.
—cont.

43 & 44 Vict.
c. 35.

Provided that regulations under this subsection may provide that for the purposes of subsection (3) of this section any such other animals specified in the regulations shall not be treated as animals to which this section applies.

(5) The Minister may with the approval of the Treasury make contributions towards the expenses incurred by any body of persons in killing, taking or destroying animals or birds to which this section applies or the eggs of such birds.

(6) Part I of the Prevention of Damage by Rabbits Act, 1939, shall cease to have effect.

2 & 3 Geo. 6.
c. 43.

99. If it appears to the Minister that, for the purpose of preventing such damage as is mentioned in the last foregoing section, it is expedient to prevent the escape of any animals from land on which they are kept in captivity, the Minister may by notice in writing served on the occupier of the land require him to take within such time as may be specified in the notice such steps as may be necessary to prevent the escape thereof, including such steps, if any, as may be specified in the notice.

Prevention of
escape of
captive
animals.

100.—(1) If any person fails to comply with a requirement imposed under either of the two last foregoing sections he shall be liable on summary conviction to a fine not exceeding twenty-five pounds, and to a further fine not exceeding five pounds for each day after conviction on which the failure continues.

Supplementary
provisions
relating to
sections
ninety-eight
and ninety-
nine.

(2) Without prejudice to any proceedings under the last foregoing subsection, where a requirement imposed under either of the two last foregoing sections has not been complied with, any person authorised by the Minister to act for the purposes of this subsection may at any time enter on the land to which the requirement relates and take such steps as the Minister may direct to secure compliance with the requirement; and the reasonable cost of taking such steps shall be recoverable by the Minister from the person on whom the requirement was imposed.

PART V.
—cont.

Any dispute arising under this subsection as to what is the reasonable cost of taking any such steps as aforesaid shall be determined by the arbitration of an arbitrator appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors.

(3) The Minister may give such directions as appear to him to be expedient authorising the keeping of animals, birds, or eggs killed or taken in pursuance of the provisions of this or the last but one foregoing section and authorising the disposal of such animals, birds or eggs, whether for the purpose of being used as food or otherwise.

(4) Any person authorised or required to kill or take any animal or bird in pursuance of the provisions of this or the last but one foregoing section shall not be required to obtain for that purpose a licence to kill game, and shall have the same power of selling any such animal or bird in pursuance of any such authorisation or requirement as if he had such a licence, but nothing in this section shall exempt any person from the provisions of the Gun Licence Act, 1870.

33 & 34 Vict.
 c. 57.

(5) Where a person incurs any expense reasonably necessary for the purpose of complying with any requirement imposed on him under either of the two last foregoing sections, or where any cost is recovered from a person under subsection (2) of this section, then if he alleges that the expense or cost ought to be borne wholly or in part by some other person having an interest in the land to which the requirement in question relates, he may apply to the county court in accordance with rules of court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such order for securing that the applicant is wholly or in part indemnified by that other person in respect of the said expense or cost as the court considers just and equitable in the circumstances of the case.

(6) Any notice to be served under either of the two last foregoing sections on the occupier of land used for agriculture shall, where an agent or servant of the occupier is responsible for the control of the farming of the land, be duly served if served on the said agent or servant.

Provision by
 Minister of
 equipment
 and services
 for pest
 control.

101.—(1) The Minister may, for the purpose of assisting in the killing, taking or destruction of animals or birds to which section ninety-eight of this Act applies, and the eggs of such birds, provide such services and equipment, appliances and other material as appear to the Minister to be requisite for that purpose.

(2) The Minister may make such reasonable charges, if any, as he thinks fit in respect of any assistance rendered under the

last foregoing subsection, and may recover the amount of any such charge from the person at whose request the assistance was rendered.

PART V.
—cont.

102. The Schedule to the Corn Production Acts (Repeal) Act, 1921 (which contains provisions for securing the destruction of injurious weeds specified in paragraph (8) thereof) shall have effect, in its application to England and Wales, as if there were specified in the said paragraph (8) such additional injurious weeds as the Minister may by regulations under this section prescribe, and such regulations may make different provisions in different cases specified in the regulations.

Destruction
of injurious
weeds.

Supplementary.

103.—(1) For the purpose of promoting efficiency in agriculture or facilitating food production the Minister may with the approval of the Treasury make schemes for providing goods and services to persons managing or farming agricultural land.

Schemes for
provision of
agricultural
goods and
services.

Any scheme under this section shall be embodied in an order which shall be laid before Parliament forthwith after being made.

(2) A scheme under this section shall not authorise the provision of goods after the expiration of five years from the coming into operation of this section or such longer period as may be prescribed.

(3) The Minister may make such reasonable charges, if any, as he thinks fit in respect of goods and services provided in pursuance of a scheme under this section.

(4) The Minister may acquire by agreement any land which he requires for the purposes of a scheme under this section.

(5) This section shall extend to Scotland, with the substitution for references to the Minister of references to the Secretary of State.

104.—(1) Any enactment in this Act providing, in relation to the taking of any action by the Minister, for his taking the action after affording a person an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, shall be construed as a provision that the Minister shall comply with the following requirements.

Provisions
as to
representa-
tions.

(2) The Minister shall give notice to the said person specifying the action proposed to be taken and informing him of the effect of the three following subsections.

(3) If within the prescribed time and in the prescribed manner the said person makes representations to the Minister in writing, the Minister shall not take the action in question until he has considered the representations.

PART V.
—cont.

(4) If, whether or not representations are made to the Minister in writing, the said person within the prescribed time and in the prescribed manner requires that an opportunity be afforded to him of being heard by a person appointed by the Minister for the purpose, such an opportunity shall be afforded to him and, on the same occasion, to any other person to whom under the enactment referred to in subsection (1) of this section the Minister is required to afford such an opportunity, and the Minister shall not take the action in question until he has considered any representations made at the hearing.

(5) No officer or servant of a County Agricultural Executive Committee, or any sub-committee or district committee thereof, shall be appointed under the last foregoing subsection to receive representations relating to land in the area of the Committee.

(6) If for the purposes of any such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views to the Minister.

Expenses and receipts.

105.—(1) All expenses incurred by any Minister under this Act shall be defrayed out of moneys provided by Parliament.

(2) All sums received by the Minister under this Act, including sums received on his behalf by the Agricultural Land Commission or any other person or body of persons exercising functions on behalf of the Minister, shall be paid into the Exchequer.

Provisions as to entry and inspection.

106.—(1) Any person authorised by the Minister in that behalf shall have power at all reasonable times to enter on and inspect any land for the purpose of determining whether, and if so in what manner, any of the powers conferred by this Act are to be exercised in relation to the land, or whether, and if so in what manner, any direction given under any such power has been complied with.

(2) Any person authorised by the Minister or a small-holdings authority who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.

(3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid—

(a) if the power is being exercised for determining whether the land is to be acquired under Part IV of this Act or this Part thereof; or

(b) if the land is being used for residential purposes; unless twenty-four hours notice of the intended entry has been given to the occupier of the land.

(4) Save as provided by the last foregoing subsection, admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid, other than the power conferred by paragraph (a) of subsection (1) of section twelve of this Act, unless notice has been given to the occupier of the land that it is proposed to enter during a period, specified in the notice, not exceeding fourteen days and beginning at least twenty-four hours after the giving of the notice, and the entry is made on the land during the period specified in the notice:

Provided that where the power of entry is being exercised for the purpose of taking measures to secure compliance with a direction or requirement under the foregoing provisions of this Part of this Act, and notice is given in accordance with this subsection on the first occasion on which the power is exercised, no further notice shall be required before entering on the land on a subsequent occasion in connection with the taking of the measures.

(5) Where notice is served in a case falling within the proviso to the last foregoing subsection, and the person to whom the direction therein referred to was given, or on whom the requirement therein referred to was imposed, is not the occupier of the land, a like notice shall be served on that person.

(6) Any notice served in pursuance of the last foregoing subsection or the proviso therein referred to may be served in like manner as the notice giving the said direction or imposing the said requirement.

(7) Any person who, in any case for which no penalty is provided by the foregoing provisions of this Act, obstructs any person authorised by the Minister or a smallholdings authority exercising any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

107.—(1) Any notice or other document required or authorised by or under this Act to be given to or served on any person shall be duly given or served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter. Service of notices.

(2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if given to or served on the secretary or clerk of the company or body.

(3) For the purposes of this section and of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid

PART V.
—*cont.*

is to be given or served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

(4) Where any document is to be given to or served on a person as being the person having any interest in land, and it is not practicable after reasonable inquiry to ascertain his name or address, the document may be given or served by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

(5) Where any such document as aforesaid is to be given to or served on any person as being the owner of land and the land belongs to an ecclesiastical benefice, a copy thereof shall be served on the Ecclesiastical Commissioners.

**Regulations
and orders.**

108.—(1) Any regulations made by the Minister under this Act, and any Order made by the Minister under section seventy-three thereof, shall be laid before Parliament forthwith after being made, and if either House of Parliament, within the period of forty days beginning with the day on which the regulations or order are or is laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(2) In this Act the expression “prescribed” means prescribed by regulations made by the Minister.

(3) Any power conferred by this Act to make an order shall include a power, exercisable in the like manner and subject to the like conditions, to revoke or vary the order.

Interpretation.

109.—(1) In this Act the expression “agricultural land” means land used for agriculture which is so used for the purposes of a trade or business, or which is designated by the Minister for the purposes of this subsection, and includes any land so designated as land which in the opinion of the Minister ought to be brought into use for agriculture:

Provided that no designation under this subsection shall extend—

PART V.
—cont.

- (a) to land used as pleasure grounds, private gardens or allotment gardens, or
- (b) to land kept or preserved mainly or exclusively for the purposes of sport or recreation, except where the Minister is satisfied that its use for agriculture would not be inconsistent with its use for the said purposes and it is so stated in the designation.

(2) In this Act the expression “ agricultural unit ” means land which is occupied as a unit for agricultural purposes, including—

- (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land, and
- (b) any other land falling within the definition in this Act of the expression “ agricultural land ” which is in the occupation of the same person, being land as to which the Minister is satisfied that having regard to the character and situation thereof and other relevant circumstances it ought in the interests of full and efficient production to be farmed in conjunction with the agricultural unit, and directs accordingly:

Provided that the Minister shall not give a direction under this subsection as respects any land unless it is for the time being not in use for any purpose which appears to him to be substantial having regard to the use to which it might be put for agriculture.

(3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ agriculture ” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “ agricultural ” shall be construed accordingly;

“ allotment garden ” means an allotment not exceeding forty poles in extent which is wholly or mainly cultivated by the occupier for the production of vegetables or fruit for consumption by himself or his family;

“ fixed equipment ” includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the

PART V.
—cont.

land, consumption of the thing grown or of produce thereof, or amenity, and references to fixed equipment on land shall be construed accordingly;

“ functions ” includes powers and duties;

“ livestock ” includes any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land;

“ pasture ” includes meadow;

“ prescribed ” has the meaning assigned to it by the last foregoing section;

“ produce ” includes anything (whether live or dead) produced in the course of agriculture;

“ relevant circumstances ”, in relation to an owner or occupier, includes all circumstances affecting management or farming other than the personal circumstances of the owner or occupier.

(4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

(5) References in this Act to the farming of land include references to the carrying on in relation to the land of any agricultural activity; and in relation to any agricultural activity the person having the right to carry it on shall be deemed to be the occupier of the land.

(6) References in this Act to the use of land for agriculture include, in relation to land forming part of an agricultural unit, references to any use of the land in connection with the farming of the unit.

Repeals.

110. The enactments specified in the Thirteenth Schedule to this Act are, save as provided in Part III of this Act, hereby repealed to the extent specified in the third column of that Schedule.

**Short title,
commence-
ment and
extent.**

111.—(1) This Act may be cited as the Agriculture Act, 1947.

(2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint; and an Order under this subsection may appoint different dates in relation to different provisions of this Act.

(3) This Act, except in so far as is expressly provided therein, shall not extend to Scotland or Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 3, 4,
5, 6, 7, 8.

PRODUCE TO WHICH PART I OF ACT APPLIES.

Fat cattle.
Fat sheep.
Fat pigs.
Cow's milk (liquid).
Eggs (hen and duck in shell).
Wheat.
Barley.
Oats.
Rye.
Potatoes.
Sugar beet.

SECOND SCHEDULE.

Sections 15, 36,
95.

PROVISIONS WHERE PERMANENT PASTURE DIRECTED TO BE PLOUGHED UP OR OTHER CULTIVATIONS TO BE CARRIED OUT.

1. Where the Minister gives to a person a direction under section fourteen or ninety-five of this Act requiring the ploughing-up of any land consisting of permanent pasture, compliance with the direction shall, notwithstanding the provisions of any contract of tenancy or instrument affecting the land, any custom or any rule of law relating to waste, not render the said person liable thereby to sow it again at his own expense, or to pay any sum by way of increased rent, damages or penalty or suffer any forfeiture by reason of the ploughing-up or of the failure to sow it again; and for the purposes of any provision of any such contract of tenancy or instrument as aforesaid, any custom, or any provision of Part III of this Act, the land shall thereafter be deemed to be arable land and to have been arable land at all material times.

2. Where, in the case of an occupier who is a tenant, the Minister gives such a direction as aforesaid, or a direction under section thirty-six of this Act reducing the area of land which under the contract of tenancy is to be maintained as permanent pasture, he may, after referring to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, order that the contract of tenancy shall have effect as if it provided that on quitting the holding at the termination of the tenancy the tenant should leave—

- (a) as permanent pasture, or
- (b) as temporary pasture sown with a seeds mixture of such kind as may be specified in the order,

2ND SCH.
—cont.

such area of land (in addition to the land required by the contract of tenancy, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the contract of tenancy to be maintained as permanent pasture has been reduced by virtue of the direction.

3.—(1) Notwithstanding anything in the provisions of Part III of this Act or any custom or agreement—

(a) no compensation shall be payable to the tenant in respect of anything done in pursuance of an order under the last foregoing paragraph ;

(b) in assessing compensation to an outgoing tenant of a holding (as defined in the Agricultural Holdings Act, 1923) where land has been ploughed up in pursuance of any such direction as aforesaid, the value per acre of any tenant's pasture comprised in the holding shall be taken not to exceed the average value per acre of the whole of the tenant's pasture comprised in the holding on the termination of the tenancy.

(2) In this paragraph the expression "tenant's pasture" means pasture laid down at the expense of the tenant or paid for by the tenant on entering on the holding.

4. In relation to a direction under section fourteen or ninety-five of this Act, paragraph 1 of this Schedule shall have effect as if reference to the ploughing-up of permanent pasture included references to the carrying out, on land which apart from the direction the occupier is under an obligation to cultivate in a particular way, of any other act of cultivation specified in the direction, and references to the sowing of land again and to arable land shall be construed accordingly.

5. Where the ploughing-up of permanent pasture or the carrying out of any other act of cultivation is reasonably necessary in consequence of the giving of a direction, this Schedule shall apply as if the ploughing-up or other act of cultivation were required by the direction and specified therein ; and subsection (5) of section fifteen and subsection (5) of section ninety-five of this Act shall be construed accordingly.

Sections 14, 15,
22, 23, 24, 26,
34.

THIRD SCHEDULE.

PART I

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD REQUIRED.

1. Making or planting of osier beds.
2. Making of water meadows or works of irrigation.
3. Making of watercress beds.
4. Planting of hops.
5. Planting of orchards or fruit bushes.
6. Warping or weiring of land.
7. Making of gardens.

PART II.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD OR APPROVAL OF THE MINISTER REQUIRED.

8. Erection, alteration or enlargement of buildings, and making of improvement of permanent yards.

3RD SCH.
—cont.

9. Construction of silos.
10. Claying of land.
11. Marling of land.
12. Making or improvement of roads or bridges.
13. Making or improvement of water courses, culverts, ponds, wells or reservoirs, or of works for the application of water power for agricultural or domestic purposes or for the supply of water for such purposes.
14. Making or removal of permanent fences.
15. Reclaiming of waste land.
16. Making or improvement of embankments or sluices.
17. Erection of wirework for hop gardens.
18. Provision of permanent sheep-dipping accommodation.
19. Removal of bracken, gorse, tree roots, boulders or other like obstructions to cultivation.
20. Land drainage (other than mole drainage and works carried out to secure the efficient functioning thereof).
21. Provision or laying-on of electric light or power.
22. Provision of means of sewage disposal.
23. Repairs to fixed equipment, being equipment reasonably required for the proper farming of the holding, other than repairs which the tenant is under an obligation to carry out.
24. The growing of herbage crops for commercial seed production.

FOURTH SCHEDULE.

Sections 22, 25,
26, 34.

PART I.

IMPROVEMENTS IN RESPECT OF WHICH NO CONSENT REQUIRED.

1. Mole drainage and works carried out to secure the efficient functioning thereof.
2. Protection of fruit trees against animals.
3. Chalking of land.
4. Clay burning.
5. Liming of land.
6. Application to land of purchased manure (including artificial manure).
7. Consumption on the holding of corn (whether produced on the holding or not) or of cake or other feeding stuff not produced on the holding, by—
 - (a) horses, cattle, sheep or pigs, or
 - (b) poultry folded on the land as part of a system of farming practised on the holding.

PART II.

OTHER MATTERS IN RESPECT OF WHICH COMPENSATION PAYABLE TO TENANT.

8. Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the holding in the last year of the tenancy, but not including crops or produce which the tenant has a right to sell or remove from the holding.
9. Seeds sown and cultivations, fallows and acts of husbandry performed on the holding at the expense of the tenant.

4TH SCH.
—*cont.*

10. Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, where either the pasture was laid down at the expense of the tenant or was paid for by the tenant on entering on the holding :

Provided that this paragraph does not include pasture laid down at the expense of the tenant in compliance with an obligation imposed on him by an agreement in writing to lay down the pasture to replace temporary pasture comprised in the holding when the tenant entered thereon which was not paid for by him.

11. Paragraphs 8 to 10 of this Part of this Schedule shall not include crops or produce grown, seeds sown, cultivations, fallows or acts of husbandry performed, or pasture laid down in contravention of the terms of a written contract of tenancy unless the tenant shows that the term of the contract contravened was inconsistent with the fulfilment of the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry :

Provided that this paragraph shall not apply to anything the doing of which is reasonably necessary in consequence of the giving of a direction under this Act.

Section 30.

FIFTH SCHEDULE.

APPLICATIONS FOR CERTIFICATES OF BAD HUSBANDRY.

1. An application to the Minister for a certificate under paragraph (a) of subsection (1) of section thirty of this Act shall not be made at any time while an order is in force under this Act for the supervision of the tenant's farming of the holding to which the application relates.

2. Any such application shall be made in the prescribed manner, and before it is made the landlord shall give notice in writing to the tenant of the proposed application.

3. Where such an application is made the Minister shall, after affording to the landlord and to the tenant an opportunity of making representations to the Minister, whether in writing or on being heard by a person appointed by the Minister, either—

(a) give notice in writing to the landlord and to the tenant that he proposes to grant or refuse the certificate, or

(b) by order having the like effect as a supervision order under Part II of this Act place under the Minister's supervision the tenant's farming of the holding to which the application relates,

and if before the expiration of the prescribed period from the making of the application the Minister has not given such a notice or made such an order as aforesaid, he shall be deemed to have given notice in writing to the landlord and to the tenant that he proposes to refuse the certificate.

4. Where notice of a proposal is given or deemed to have been given under the last foregoing paragraph the landlord may require that the Minister's proposal to refuse a certificate shall be referred to the Agricultural Land Tribunal established under Part V of this Act, or the tenant may require that the Minister's proposal to grant a certificate shall be so referred; and the provisions in that behalf of the said Part V shall apply accordingly.

5. Where a holding forms part only of an agricultural unit, an opportunity of making representations shall be afforded under paragraph 3 of this Schedule to every person who for any of the purposes of Part II of this Act is the owner of land comprised in the unit, and sub-paragraph (b) of that paragraph shall have effect with the substitution for the reference to the holding of a reference to the unit

5TH SCH.
—cont.

SIXTH SCHEDULE.

Section 38.

MATTERS FOR WHICH PROVISION TO BE MADE IN WRITTEN TENANCY AGREEMENTS.

1. The names of the parties.
2. Particulars of the holding with sufficient description, by reference to a map or plan, of the fields and other parcels of land comprised therein to identify the extent of the holding.
3. The term or terms for which the holding or different parts thereof is or are agreed to be let.
4. The rent reserved and the dates on which it is payable.
5. The incidence of the liability for land tax and rates (including drainage rates).
6. In respect of all work of maintenance and repair of fixed equipment comprised in the holding, a covenant by one or other of the parties to carry out the work.
7. A covenant by the landlord in the event of damage by fire to any building comprised in the holding to reinstate or replace the building if its reinstatement or replacement is required for the fulfilment of his responsibilities to manage the holding in accordance with the rules of good estate management, and (except where the interest of the landlord is held for the purposes of a Government department or a person representing His Majesty or the Duke of Cornwall under sections forty-three to forty-five of the Act of 1923 is deemed to be the landlord, or where the landlord has made provision approved by the Minister for defraying the cost of any such reinstatement or replacement as aforesaid), a covenant by the landlord to insure all such buildings against damage by fire.
8. A covenant by the tenant in the event of the destruction by fire of harvested crops grown on the holding for consumption thereon, to return to the holding the full equivalent manorial value of the crops destroyed, in so far as the return thereof is required for the fulfilment of his responsibilities to farm in accordance with the rules of good husbandry, and, (except where the interest of the tenant is held for the purposes of a Government department or where the tenant has made provision approved by the Minister in lieu of such insurance) a covenant by the tenant to insure all dead stock on the holding, and all such harvested crops as aforesaid, against damage by fire.
9. A power for the landlord to re-enter on the holding in the event of the tenant not performing his obligations under the agreement.

SEVENTH SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS.

The Agricultural Holdings Act, 1923.

1. For section six of the Act of 1923 (which provides for giving a incoming tenant rights to compensation for improvements where the incoming tenant has paid compensation therefor to the outgoing tenant) there shall be substituted the following section :—

“ 6.—(1) Where an incoming tenant of a holding has, with the consent in writing of his landlord, paid to an outgoing tenant any compensation payable by the landlord under or in pursuance of this Act in respect of the whole or part of any improvement, or has paid to the landlord the amount of any such compensation payable to an outgoing tenant, the incoming tenant shall be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as the outgoing tenant would have been entitled if he had remained tenant of the holding, and quitted it at the time at which the incoming tenant quits it.

(2) Where, in a case not falling within the last foregoing subsection, an incoming tenant of a holding has paid to his landlord any amount in respect of the whole or part of any improvement he shall, subject to any agreement in writing between the landlord and the tenant, be entitled on quitting the holding to claim compensation in respect of the improvement or part in like manner, if at all, as he would have been entitled if he had been tenant of the holding at the time when the improvement was carried out and the improvement or part had been carried out by him.”

2. Section eight of the Act of 1923 (which restricts the right of the tenant of a holding to compensation in respect of improvement carried out after giving notice to quit or in the last year of the tenancy) shall cease to have effect.

3.—(1) The period within which notice in writing of the occurrence of damage to crops from game must be given to a landlord under section eleven of the Act of 1923 in order that a claim under that section for the damage may be made by a tenant shall be one month from the time at which the tenant of the holding first became, or ought reasonably to have become, aware of the occurrence of the damage and accordingly in subsection (2) of that section for the words “as soon as may be after the damage was first observed by the tenant” there shall be substituted the words “before the expiration of one month after the tenant of the holding first became, or ought reasonably to have become, aware of the occurrence of the damage”.

(2) Subsection (3) of the said section eleven (which makes special provision for agreements made before the year nineteen hundred and nine) shall cease to have effect.

(3) Any question arising under subsection (4) of the said section eleven (which provides for the indemnification of a landlord against claims under that section for damage from game in a case where the sporting rights are vested in some other person) shall be determined by arbitration under the Act of 1923 in the like manner as questions arising on a claim under that section by a tenant.

7TH SCH.
—cont.

4.—(1) Section twenty-two of the Act of 1923 (which provides that fixtures and buildings affixed to or erected on a holding by the tenant shall, subject to certain exceptions, be his property and removable by him on the termination of the tenancy) shall be amended in accordance with the following provisions of this paragraph.

(2) The right of the tenant to remove any fixture or building shall not be exercisable after the expiration of two months from the termination of the tenancy.

(3) Nothing in the section shall confer on a tenant or former tenant, as respects any period after his right of removal has ceased to be exercisable, any property in a fixture or building not removed by him.

(4) For paragraph (iv) of the proviso to subsection (1) (which provides for notice to the landlord of the tenant's intention to remove a fixture or building) there shall be substituted the following paragraph :—

“(iv) the tenant shall not remove any fixture or building without giving at least one month's previous notice in writing to the landlord of his intention to remove it, and any such notice shall be given at least one month before the termination of the tenancy.”

5. Section twenty-five of the Act of 1923 (which requires that except in certain cases a notice to quit a holding must be given more than twelve months before the date on which the tenancy is thereby terminated) shall apply to a notice to quit part of a holding as it applies to a notice to quit an entire holding.

6.—(1) In section twenty-seven of the Act of 1923, in subsection (1) (which enables a landlord to give notice to quit part of a holding where the notice is given for certain purposes and states that it is so given) for the words from “and the notice states” to “any such use” there shall be substituted the words “or for the purpose of adjusting the boundaries between agricultural units or amalgamating agricultural units or parts thereof, and the notice states that it is given with a view to any such use as aforesaid or for the said purpose, as the case may be.”

(2) In paragraph (iv) of the said subsection (1) (which enables notice to quit part of a holding to be given for the purpose of the provision of small holdings as defined by the Small Holdings and Allotments Acts, 1908 to 1919) the reference to smallholdings as so defined shall include a reference to smallholdings as defined by Part IV of this Act.

(3) In paragraph (c) of the said subsection (1) for the words “as in case of compensation” there shall be substituted the words “by arbitration”.

(4) In the proviso to subsection (1) of the said section twenty-seven (which provides that a tenant who receives a notice to quit part of a

7TH SCH.
—*cont.*

holding may accept it as a notice to quit the entire holding, to take effect at the expiration of the then current year of tenancy) for the words " expiration of the then current year of tenancy " there shall be substituted the words " same time as the original notice ".

(5) Where the operation of a notice to quit depends on any proceedings under section thirty-one of this Act, the period within which under the proviso to subsection (1) of the said section twenty-seven the tenant may accept the notice as a notice to quit the entire holding shall run from the time at which it is determined that the notice has effect instead of from the time at which the notice is served.

7. In section twenty-nine of the Act of 1923 (which provides that the landlord of a holding shall not be entitled to recover, in respect of a breach or non-fulfilment of a term or condition in the contract of tenancy, any sum in excess of the damage actually suffered by him) the proviso, which excludes the operation of the section in relation to the breaking up of permanent pasture, the grubbing of underwoods, the felling, cutting, lopping or injuring of trees and the burning of heather, shall cease to have effect.

8.—(1) In subsection (1) of section thirty of the Act of 1923 (which confers on the tenant of a holding freedom of cropping and of disposal of the produce of his holding notwithstanding any custom or agreement) the reference to the produce of the holding shall not include references to manure produced on the holding.

(2) In subsection (2) of the said section thirty (which confers on a landlord the right at any time to recover damages for any exercise by the tenant of his rights under that section which injures the holding) for the words from " without prejudice " to the end of the subsection there shall be substituted the words " have the following remedies, but no other, that is to say—

- (a) should the case so require, he shall be entitled to obtain an injunction to restrain the exercise of the tenant's rights under this section in that manner ;
- (b) in any case, on the tenant quitting the holding on the termination of the tenancy the landlord shall be entitled to recover damages for any injury to or deterioration of the holding attributable to the exercise by the tenant of his rights under this section,

and section fifty-four of this Act shall have effect subject to the provisions of this section."

(3) For the purposes of any proceedings for an injunction brought under the said subsection (2) the question whether a tenant is exercising, or has exercised, his rights under the said section thirty in such a manner as to injure or deteriorate his holding, or to be likely to injure or deteriorate his holding, shall be determined by the Minister after affording to the landlord and to the tenant an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister ; and a certificate of the Minister as to his determination of any such question as aforesaid shall for the purposes of any proceedings (including an arbitration) brought under the said section thirty be conclusive proof of the facts stated in the certificate.

(4) The said section thirty shall not apply to a tenancy of a small-holding (as defined in Part IV of this Act) granted in pursuance of any scheme for the farming of such holdings on a co-operative basis, being a scheme approved by the Minister for the purposes of this subparagraph.

7TH SCH.
—cont.

9. The following section shall be substituted for section thirty-one of the Act of 1923 (which prohibits the removal of manure after notice to terminate a tenancy) :—

“ 31.—(1) Where notice to terminate the tenancy of a holding is given either by the tenant or by the landlord, the tenant shall not, subject to any agreement in writing to the contrary, at any time after the date of the notice sell or remove from the holding any manure or compost or any hay or straw or roots grown in the last year of the tenancy, unless before the sale or removal the landlord has consented thereto in writing.

(2) In this section the expression ‘roots’ means the produce of any root crop of a kind normally grown for consumption on the holding.”

10. Section thirty-seven of the Act of 1923 (which provides for the setting off of certain compensation against rent for which a landlord would otherwise be entitled to distrain) shall apply to all compensation to a tenant, and accordingly in that section the words “ for disturbance or for any improvement ” shall be omitted.

11. Section forty of the Act of 1923 (which confers on the landlord of a holding who is a limited owner, in respect of certain functions under the Act of 1923, the like capacity as if his powers were not limited) shall apply to all functions of the landlord of a holding under that Act and this Act, and accordingly in the said section forty the words “ in relation to improvements in respect of which compensation is payable ” shall be omitted.

12. In section forty-one of the Act of 1923 (which relates to the recovery of compensation where the landlord is a trustee), for the words from ‘and of all costs’ in paragraph (iii) to the end of the section there shall be substituted—

‘ (iv) a charge under this section shall charge the holding not only with the amount of the sum due as aforesaid but also with all costs properly incurred in obtaining the charge ;

(v) a charge under this section shall be created by order of the Minister in favour of the landlord or tenant, as the case may be, and of his executors, administrators and assigns, and the order shall make such provision as to the payment of interest and the repayment of the sum charged by instalments, and shall contain such directions for giving effect to the charge, as the Minister thinks fit.’

13. In section forty-three of the Act of 1923 (which provides for the application of the Act to Crown lands) after subsection (2) there shall be inserted the following subsection :—

“(3) Section fifteen of the Crown Lands Act, 1927, (which enables the Commissioners of Crown Lands to pay out of capital the cost of carrying out any works mentioned in the Third Schedule

7TH SCH.
—cont.

to the Settled Land Act, 1925, or of any works for any of the purposes mentioned in that Schedule) shall apply to compensation payable under this Act for improvements specified in the Third Schedule thereto as it applies to the cost specified in the said section fifteen."

14.—(1) Subject to the provisions of this paragraph, the functions conferred on the agricultural committee by section forty-nine of the Act of 1923 (which enables such a committee to apply the provisions of that Act relating to market gardens to a holding the landlord of which refuses to agree that the holding shall be treated as a market garden) shall be transferred to the Minister.

(2) In subsection (1) of the said section forty-nine for the words "hearing the landlord or his representative" there shall be substituted the words "affording to the landlord and to the tenant an opportunity to make representations to the Minister, whether in writing or on being heard by a person appointed by the Minister."

(3) The proviso to subsection (1) of the said section forty-nine (which prevents the authorisation of the breaking up of meadow land or pasture forming part of a holding which under that section is to be treated as a market garden) shall cease to have effect.

(4) Where a direction under the said section forty-nine relates to part only of the holding, and accordingly under paragraph (c) of subsection (1) of that section the rent of the holding falls to be apportioned, any dispute as to the apportionment of the rent shall be determined by arbitration under the Act of 1923 in lieu of being determined in the manner provided by the said paragraph (c).

(5) Subsections (3) to (5) of the said section forty-nine (which provide for the exercise of powers of an agricultural committee by the Minister or an arbitrator in certain cases, and for limiting the exercise of the powers under that section where it is likely that the land in question will be required for any purpose other than agriculture) shall cease to have effect.

(6) Nothing in Part III of this Act shall prevent the landlord and tenant of a holding who have agreed that the holding shall be let or treated as a market garden from substituting, by agreement in writing, the provisions as to compensation commonly known as the "Evesham custom", and set out in paragraphs (a) and (b) of subsection (1) of the said section forty-nine, for the provisions as to compensation which would otherwise be applicable to the holding.

15. Section fifty-two of the Act of 1923 (which makes special provision as to the costs of proceedings in the county court under that Act) shall cease to have effect.

16.—(1) In section fifty-three of the Act of 1923 (which relates to the service of notices and other instruments) for the words from "may be served" to the end of the section there shall be substituted the words "may be served in the like manner as notices required or authorised to be served under the Agriculture Act, 1947".

(2) Any instrument which under the Act of 1923 or Part III of this Act is to be given to or served on a landlord or tenant shall, where an agent or servant of the landlord or tenant is responsible for the

control of the management or farming, as the case may be, of the holding, be duly given or served if given to or served on that agent or servant.

7TH SCH.
—*cont.*

17. Subsection (2) of section fifty-six of the Act of 1923 (which makes special provision as to the determination and recovery of compensation in the case of certain holdings of small extent) shall cease to have effect.

18. In section fifty-seven of the Act of 1923 in subsection (1) at the beginning of the definitions there shall be inserted the following—

“ ‘building’ includes any part of a building ; ”
and for the definition of “ holding ” there shall be substituted the following definition :—

“ ‘holding’ means the aggregate of the agricultural land, as defined in Part V of the Agriculture Act, 1947, comprised in a contract of tenancy, not being a contract under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord ”.

19. The period within which, in default of any extension thereof, an arbitrator in an arbitration under the Act of 1923 shall make and sign his award shall be the period of forty-two days from his appointment, and accordingly in paragraph 6 of the Second Schedule to that Act for the words “ twenty-eight ” there shall be substituted the words “ forty-two ”.

20. The following provision shall be inserted after paragraph 7 of the said Second Schedule :—

“ Particulars of claim.

7A. The parties to the arbitration shall within fourteen days from the appointment of the arbitrator deliver to him a statement of their respective cases with all necessary particulars ; and—

- (a) no amendment or addition to the statement or particulars delivered shall be allowed after the expiration of the said fourteen days except with the consent of the arbitrator ;
- (b) a party to the arbitration shall be confined at the hearing to the matters alleged in the statement and particulars delivered by him and any amendment thereof or addition thereto duly made.”

21. Without prejudice to the provisions of section forty-six of this Act, where the Minister or any other person acting on behalf of His Majesty is a party to an arbitration under the Act of 1923, anything which under the said Second Schedule is to be done by the Minister in relation to the nomination or remuneration of an arbitrator, or the extension of the time for making and signing his award, shall be done by the President of the Royal Institution of Chartered Surveyors.

22.—(1) In the Third Schedule to the Act of 1923 (which specifies improvements which are subject to special provisions in the case of market gardens), in paragraph 5, for the words “ Erection or enlargement of buildings ” there shall be substituted the words “ Erection, alteration or enlargement of buildings ”.

7TH SCH.
—cont.

(2) Subsection (2) of section twenty-two of this Act shall apply in relation to the said Third Schedule as it applies in relation to the Third and Fourth Schedules to this Act.

The Rent and Mortgage Interest Restrictions Acts, 1920 to 1939.

23. The Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall not apply to any dwelling-house which is comprised in a holding and is occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding.

The Law of Property Act, 1925.

24.—(1) In section ninety-nine of the Law of Property Act, 1925, (which provides for the making by a mortgagee or mortgagor of such leases as are authorised by that section, which shall be binding on the mortgagor or mortgagee) subsection (13), which provides that the section applies only if and so far as the contrary intention is not expressed in the mortgage deed or otherwise in writing and that the section has effect subject to the terms of the mortgage deed or of any such writing, shall not have effect in relation to a mortgage made after the commencement of Part III of this Act of agricultural land.

(2) This paragraph shall be construed as one with the said section ninety-nine.

25. Where the operation of a notice to quit served under subsection (2) of section one hundred and forty of the Law of Property Act, 1925, by the owner of a severed part of the reversion depends on any proceedings under section thirty-one of this Act, the period within which under the proviso to the said subsection (2) the tenant may accept the notice as a notice to quit the entire holding shall run from the time at which it is determined that the notice has effect instead of from the time at which the notice is served.

The Hill Farming Act, 1946.

26.—(1) Section nine of the Hill Farming Act, 1946 (which modifies the Act of 1923 in relation to schemes under the said Act of 1946) shall in its application to England and Wales be amended as follows.

(2) In subsection (2) for paragraphs (a) and (b) there shall be substituted the words "the landlord shall be deemed to have consented as mentioned in subsection (1) of section twenty-four of the Agriculture Act, 1947", and for the words "section two, or the said section three, as the case may be" there shall be substituted the words "subsection (1)".

(3) In the proviso to the said subsection (2), for the words from "subsection (3)" to the end there shall be substituted the words "the provisions of subsection (2) of the said section twenty-four as to the carrying out of improvements by the landlord shall not apply."

(4) For subsection (3) there shall be substituted the following subsection :—

"(3) If on the ground of work's being badly done the appropriate Minister withholds or reduces the improvement grant in

respect of an improvement, he may direct that any right conferred by subsection (4) of section thirty-five of the Agriculture Act, 1947, to have the rent of a holding increased shall not be exercisable in respect of the improvement, or shall be exercisable only to such extent as may be specified in the direction, and any such direction given after that right has been exercised shall be retrospective and any excess rent paid shall be repaid accordingly”:

7TH SCH.
—cont.

Provided that nothing in this sub-paragraph shall affect any right to recover money under the said subsection (3) accrued before the commencement of Part III of this Act.

(5) Subsections (4) to (6) of the said section nine shall cease to have effect.

EIGHTH SCHEDULE.

Section 67.

PROVISIONS OF SMALL HOLDINGS AND ALLOTMENTS ACTS APPLIED OR SAVED.

PART I.

PROVISIONS APPLIED.

<i>Provision applied.</i>	<i>Subject to which provision relates.</i>
In the Small Holdings and Allotments Act, 1908 (8 Edw. 7. c. 36)	
In section thirty-nine,—	
subsection (4)	Power to continue or create easements over land acquired.
In section forty,—	
subsection (1), in so far as it confers wider powers of leasing than are conferred by the Settled Land Act, 1925, or that Act as applied by any other enactment	Power of limited owner to grant leases.
subsections (2) and (3)	Leases of Crown Lands and ecclesiastical lands.
Section forty-eight	Provisions as to glebe lands.
In the Land Settlement (Facilities) Act, 1919 (9 & 10 Geo. 5. c. 59)	
Section eight	Authorisation of sale of glebe land without consent of patron.
In the Small Holdings and Allotments Act, 1926 (16 & 17 Geo. 5. c. 52)	
Section eleven	Registration of title to land purchased for smallholdings.

8TH SCH.
—cont.

PART II.

PROVISIONS SAVED.

*Enactment saved.**Extent of saving.*

In the Smallholdings and Allotments Act, 1926 (16 & 17 Geo. 5. c. 52):—

Section two (power of Minister to contribute towards losses).

Sections five to seven (provisions as to payment for sales of holdings by terminable annuities, as to conditions binding on holdings sold or let, and as to recovery of possession where condition broken).

Sections thirteen and fourteen (provisions as to loans for purchase and equipment of holdings).

The section shall continue in operation in relation to proposals submitted before the commencement of Part IV of this Act, but subject to the application, with such modifications as may be prescribed, of the regulations made under paragraph (b) of subsection (7) of section fifty-eight of this Act.

(1) The sections shall, subject to the modification hereinafter provided, continue in operation in relation to smallholdings sold or let before the commencement of Part IV of this Act, except in so far as they provide for the sale of smallholdings or any other disposition thereof not authorised by Part IV of this Act, and except in so far as subsection (1) of section six renders the consent of the Minister unnecessary where no contribution is payable by him.

(2) The requirement in paragraph (c) of subsection (1) of section six that the holding shall be cultivated in accordance with the rules of good husbandry as defined in the Agricultural Holdings Act, 1923, shall be construed as a requirement that the owner or occupier, as the case may be, shall fulfil his responsibilities to farm the holding in accordance with the rules of good husbandry, and section eleven of this Act shall apply accordingly.

The sections shall continue in operation in relation to loans made before the commencement of Part IV of this Act.

NINTH SCHEDULE.

Sections 68, 71,
73.CONSTITUTION ETC. OF COMMISSION, SUB-COMMISSION, COMMITTEES
AND TRIBUNALS.*Agricultural Land Commission and Welsh Agricultural Land
Sub-Commission.*

1. Unless and until the Agricultural Land Commission (hereafter in this Schedule referred to as "the Commission") otherwise determine, three shall be a quorum at any meeting of the Commission; and subject to the provisions of this Act the Commission shall have power to fix and regulate their own procedure.

2. If at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised by them for the purpose.

4.—(1) The Welsh Agricultural Land Sub-Commission (hereafter in this Schedule referred to as "the Sub-Commission") shall subject to the provisions of this Act have power to fix and regulate their own procedure.

(2) Unless and until the Sub-Commission otherwise determine two shall be a quorum at any meeting of the Sub-Commission.

(3) In default of the chairman such member of the Sub-Commission attending any meeting shall preside at the meeting as may be agreed by the members so attending.

(4) If at any meeting of the Sub-Commission at which the chairman is present the votes are equally divided on any question, the chairman shall have a second or casting vote.

5. Every member of the Commission and the Sub-Commission shall hold and vacate office under the terms of the instrument under which he is appointed, but notwithstanding anything in that instrument he may resign his office by notice in writing served on the Minister.

6. Any member of the Commission or the Sub-Commission who ceases to hold office shall be eligible for reappointment.

*County Agricultural Executive Committees, Sub-Committees and
District Committees.*

7.—(1) A County Agricultural Executive Committee shall consist of not more than five members appointed by the Minister, and of seven other members (hereinafter referred to as "nominated members") appointed by the Minister from among persons nominated in accordance with the following provisions of this Schedule.

(2) One of the said five members shall be a member of the council of the county for which the Committee is established, and shall be appointed by the Minister after consultation with that council.

9TH SCH.
—cont.

In the application of this sub-paragraph—

- (a) to the Isles of Scilly for the references to the council of a county there shall be substituted references to the council of those Isles,
- (b) to a combination of counties which under subsection (2) of section seventy-one of this Act is treated as a single county for the reference to a member of the council of the county there shall be substituted a reference to a member of one of the councils, and for the reference to consultation with the council of a county there shall be substituted a reference to consultation with all of the councils.
- (3) The nominated members shall be appointed from persons nominated—
 - (a) in the case of three members, by persons appearing to the Minister to represent the interests of farmers;
 - (b) in the case of two members, by persons appearing to him to represent the interests of workers employed in agriculture;
 - (c) in the case of two members, by persons appearing to him to represent the interests of owners of agricultural land.
- (4) The Minister may by order direct that the foregoing provisions of this paragraph shall have effect subject to such modifications of the numbers therein specified, or such additions to the classes of nominated members and such consequential additions to the persons required to be consulted under paragraph 1 of the Tenth Schedule to this Act, as may be provided by the order.
- (5) Any order under this paragraph shall be of no effect unless approved by resolution of each House of Parliament.

8. The Minister shall designate a member of each County Agricultural Executive Committee to act as chairman of the Committee and another member to act as deputy chairman in the absence of the chairman.

9.—(1) Subject to the provisions of this paragraph, the term of office of any member of a County Agricultural Executive Committee shall be three years, but a member who ceases to hold office shall, subject to the provisions of this Schedule as to nomination, be eligible for reappointment.

(2) The following provisions shall regulate the tenure of office of the first members of a County Agricultural Executive Committee other than the chairman:—

- (a) at the end of the first year from the establishment of the Committee one-third (or, if one-third is not an integral number, the nearest integral number not exceeding one-third) of the said members, to be chosen by the Committee, shall retire from the Committee;
- (b) at the end of two years from the establishment of the Committee one-half (or, if one-half is not an integral number, the nearest integral number not exceeding one-half) of the remaining first members of the Committee, to be chosen by the Committee, shall retire from the Committee.
- (3) Any member of the Committee may resign his membership by notice in writing served on the Minister.

(4) If the Minister is satisfied that any member of the Committee is incapacitated by infirmity of mind or body from discharging the duties of his office, or is otherwise unsuited to continue to discharge those duties, or if any member of the Committee is adjudged bankrupt or makes a composition or arrangement with his creditors, the Minister may revoke his appointment as a member of the Committee.

(5) Where the Minister appoints a person in the place of a member whose office is vacated otherwise than in accordance with sub-paragraph (1) or (2) of this paragraph, the said sub-paragraphs (1) and (2) shall apply to the person so appointed as if he had become a member of the Committee at the same time as the member in whose place he was appointed, or, where two or more persons are appointed as aforesaid in succession, as if he had become a member of the Committee at the same time as the first member whose office was vacated as aforesaid.

10. A County Agricultural Executive Committee may add to any sub-committee established by them persons not being members of the Committee, who shall continue as members of the sub-committee for such period as the Committee may determine.

11. A district committee shall consist of such number of members, whether or not members of the County Agricultural Executive Committee by which the district committee are established, as the County Agricultural Executive Committee may determine, and the members of a district committee shall be appointed by the County Agricultural Executive Committee and hold office for such period, determinable in such circumstances, as may be fixed by the County Agricultural Executive Committee.

12. A County Agricultural Executive Committee, sub-committee or district committee shall have power to fix and regulate their own procedure, including power to determine the number of members necessary to form a quorum.

Agricultural Land Tribunals

13.—(1) An Agricultural Land Tribunal shall consist of a chairman and two other members.

(2) The Minister may, if it appears to him expedient so to do, direct that for any reference to the Tribunal specified in the direction two assessors shall be added to the Tribunal to assist the members thereof in the hearing of the matter of the reference.

14.—(1) The chairman shall be appointed by the Lord Chancellor and shall be a barrister or solicitor of not less than seven years' standing.

(2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

(3) The chairman may resign his office by notice in writing served on the Lord Chancellor.

(4) If the Lord Chancellor is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his

9TH SCH.
—*cont.*

office, or if the chairman is adjudged bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may revoke the appointment of the chairman.

(5) If the Lord Chancellor is satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the Agricultural Land Tribunal, the Lord Chancellor may appoint a person having the qualifications mentioned in sub-paragraph (1) of this paragraph to be chairman of the Tribunal for that reference.

15. The two members of an Agricultural Land Tribunal other than the chairman (hereinafter referred to as "nominated members") shall, for each reference to the Tribunal, be appointed by the Minister and shall be so appointed respectively from a panel of persons nominated in the case of one such member by persons appearing to the Minister to represent the interests of farmers, and in the case of the other by persons appearing to the Minister to represent the interests of owners of agricultural land.

16. The assessors shall be selected by the Minister, for any reference for which the Minister directs the addition of assessors to the Tribunal, from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.

17.—(1) The Minister may by order direct that the foregoing provisions of this Schedule as to the nominated members of Agricultural Land Tribunals shall have effect subject to such modification of the number of such members, and such additions to the classes of persons referred to in paragraph 15 of this Schedule, as may be specified in the order.

(2) Any order under this paragraph shall be of no effect unless approved by resolution of each House of Parliament.

18. Where provision is made for the sitting of an Agricultural Land Tribunal in two or more divisions, this Schedule shall apply as if each division were an Agricultural Land Tribunal.

Disqualifications for appointment

19.—(1) A person shall be disqualified for being appointed or being a member of the Commission or Sub-Commission or of a County Agricultural Executive Committee, sub-committee or district committee, or a member of or assessor to an Agricultural Land Tribunal, so long as he is a member of the Commons House of Parliament.

(2) A person shall be disqualified for being appointed or being a member of, or assessor to, an Agricultural Land Tribunal so long as he is a member of any other body mentioned in the last foregoing sub-paragraph.

Validity of acts

20.—(1) Any body mentioned in the last foregoing paragraph shall have power to act notwithstanding any vacancy among its members.

(2) All acts done at any meeting of any such body shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment or disqualification of a person purporting to be a member thereof, be as valid as if that defect had not existed.

(3) Nothing in sub-paragraph (1) of this paragraph shall affect any requirement as to the number of members necessary to constitute a meeting of any such body as aforesaid.

9TH SCH.
—cont.

Nomination of persons for appointment as nominated members

21.—(1) Where for the purpose of appointing nominated members in any county or area provision is made under the foregoing paragraphs of this Schedule for nomination by persons appearing to the Minister to be representative of the interests of farmers, workers or owners of land or by any other persons specified by order of the Minister under sub-paragraph (4) of paragraph 7 or sub-paragraph (1) of paragraph 17 of this Schedule, the said persons shall, on a requirement in that behalf being made by the Minister, submit to the Minister such number of names for the county or area in question as the Minister may require.

(2) If in relation to any appointment of a nominated member it appears to the Minister that any such persons have failed within a reasonable time to comply with any requirement under the last foregoing sub-paragraph, the Minister may notwithstanding anything in the foregoing provisions of this Schedule appoint as the nominated member in question such person as he thinks fit, being a person who appears to him to represent the interests of farmers, workers or owners, and being a person of such class as may be specified by such an order as aforesaid, as the case may be.

Officers and servants

22.—(1) The Minister shall appoint a secretary and a chief technical officer to the Agricultural Land Commission and to the Welsh Agricultural Land Sub-Commission respectively, and the Commission and the Sub-Commission may appoint such other officers and servants as they may, with the approval of the Minister and the Treasury, determine; and the Minister may pay to the officers and servants of the Commission and the Sub-Commission such salaries, wages and allowances as he may with the approval of the Treasury determine.

(2) The Minister shall attach to County Agricultural Executive Committees and sub-committees thereof and to district committees and Agricultural Land Tribunals such officers and servants of the Ministry as he may with the approval of the Treasury determine to be required for providing the committees and tribunals with the necessary officers and servants.

(3) The Commission or the Sub-Commission may employ such agents as they consider desirable for the discharge of their functions, and may pay to agents employed by them such remuneration as they may, with the approval of the Minister and the Treasury, determine.

Remuneration and Expenses

23.—(1) The Minister may pay to members of the Commission, the Sub-Commission and Agricultural Land Tribunals such remuneration (whether by way of salaries or of fees) as he may with the approval of the Treasury determine.

9TH SCH.
—*cont.*

(2) The Minister may pay to the members of any body mentioned in paragraph 19 of this Schedule and to the assessors to Agricultural Land Tribunals such allowances as he may with the approval of the Treasury determine.

(3) The expenses of any body mentioned in paragraph 19 of this Schedule shall be defrayed by the Minister.

Proof of Instruments

24. Any document purporting to be a document duly executed or issued under the seal of the Commission or on behalf of any such body as aforesaid shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Section 71.

TENTH SCHEDULE.

COMBINATION OF COUNTIES FOR PURPOSES OF AGRICULTURAL EXECUTIVE COMMITTEES.

1. Before making an order under subsection (2) of section seventy-one of this Act the Minister shall consult with such persons as appear to him to represent the interests of farmers, workers employed in agriculture, and owners of agricultural land, and with the councils of the counties concerned.

2.—(1) Any order under the said subsection (2) shall be laid before Parliament forthwith after being made, and if either House of Parliament within a period of forty days beginning with the day on which any such order is laid before it resolves that an Address be presented to His Majesty praying that the order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

(2) In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

3. An order under the said subsection (2) may contain such incidental and supplemental provisions as appear to the Minister expedient for the purposes of the order, and in particular may provide for the transfer to any County Agricultural Executive Committee established in pursuance of the order of any property rights or liabilities of any such Committee superseded by the Committee so established, and for the carrying on and completion by any such Committee so established of anything begun by any such Committee so superseded.

ELEVENTH SCHEDULE.

Section 86.

APPLICATION IN RELATION TO MORTGAGES AND CHARGES OF
SECTION 86 OF ACT.

1. Notwithstanding anything in subsection (3) of section eighty-six of this Act—

- (a) the creation of a mortgage of or charge on land shall not be treated as a disposition thereof; but
- (b) the exercise by a mortgagee or chargee of any right to take possession or to foreclose shall be treated as a major disposition of the land.

2.—(1) Paragraph (a) of the said subsection (3) shall not apply to any disposition made in the exercise of the powers of a mortgagee or chargee.

(2) No exercise of any such powers as aforesaid shall be a disposition to which the said section eighty-six applies if the mortgage or charge was made at a time when that section was not in force, or when the land to which the exercise relates was not comprised in an agricultural unit.

TWELFTH SCHEDULE

Section 87.

PROVISIONS AS TO SCHEMES FOR ADJUSTING FARM BOUNDARIES OR
AMALGAMATING FARMS.*Advertisement of References to Commission.*

1. On referring any matter to the Agricultural Land Commission (hereafter in this Schedule referred to as "the Commission") under section eighty-seven of this Act the Minister shall publish, in such manner as appears to him best suited for bringing it to the notice of persons concerned, a notice in such form as he may determine describing the matter referred, stating that it is being referred to the Commission, and specifying a place where a map of the area to which the reference relates may be inspected at all reasonable hours.

Preparation and confirmation of schemes.

2.—(1) A scheme under section eighty-seven of this Act (hereinafter in this Schedule referred to as a "scheme") shall be in the prescribed form and shall describe by reference to a map the area to which the scheme relates and the adjustments and amalgamations intended to be secured by the scheme.

(2) The area to which a scheme relates may be the whole or any part of the area which was referred to the Commission under subsection (1) of the said section eighty-seven, and may include any land outside that area which in the opinion of the Commission ought to be dealt with in conjunction with land inside that area.

12TH SCH.
—cont.

3. Before submitting a final scheme for confirmation the Commission shall—

- (a), in two successive weeks publish in one or more local papers circulating in the area to which the scheme relates a notice in the prescribed form stating that the scheme has been prepared and is about to be submitted for confirmation, naming a place within the locality where a copy of the scheme and the map referred to therein may be inspected, and specifying the time, not being less than twenty-one days from the first publication of the notice, within which and the manner in which representations with respect to the scheme can be made to the Commission;
- (b) serve on every owner, lessee and occupier, except tenanted land, a notice in the prescribed form stating that the scheme is about to be submitted for confirmation, and specifying the time, not being less than twenty-one days from the service of the notice, within which and the manner in which representations with respect to the scheme can be made to the Commission.

4.—(1) Before submitting a scheme for confirmation the Commission shall cause a public local inquiry to be held.

(2) The inquiry to be held under this paragraph shall not be held before the expiration of the time within which representations may be made under any provision of the last foregoing paragraph.

(3) Subsections (2) and (3) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at local inquiries) shall apply to any inquiry held in pursuance of this paragraph as they apply to inquiries held under the said section two hundred and ninety.

5. After considering any representations duly made and the report of the person by whom the inquiry was held the Commission shall submit the scheme to the Minister for confirmation, either as prepared or, subject to the provisions of paragraph 7 of this Schedule, with such modifications as appear to the Commission expedient.

6.—(1) The Commission shall, at the same time as they submit the scheme to the Minister, forward to him particulars of any such representations as aforesaid and the said report, and the Minister after considering the particulars and report may by order confirm the scheme either as submitted or, subject to the provisions of the next following paragraph, with such modifications as appear to him expedient.

(2) Forthwith after the scheme has been confirmed, the Minister shall lay a copy thereof as confirmed before Parliament, and the Commission—

- (a) shall publish in the manner specified in head (a) of sub-paragraph (1) of paragraph 3 of this Schedule a notice in the prescribed form stating that the scheme has been confirmed and naming a place in the area to which the scheme relates

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9.—(1) Where it appears to the Commission that it is expedient to vary any final scheme which has come into operation, the Commission shall submit a report to the Minister setting out a provisional scheme for the variation thereof (in this paragraph referred to as a "varying scheme"), and if after considering the report of the Commission the Minister is of opinion that it is desirable to promote such a varying scheme, he shall direct the Commission to proceed with the preparation of a final varying scheme for submission to the Minister and confirmation by him.

(2) The foregoing provisions of this Schedule shall, with such adaptations as may be prescribed, apply in relation to varying schemes.

(3) Notwithstanding the variation of a scheme by one or more subsequent schemes, the reference in subsection (7) of section eighty-seven of this Act to the coming into operation of a scheme shall where the scheme has been varied be construed as a reference to the earliest date at which the land in question was included in the area to which the scheme, or the scheme as varied, related.

Section 110.

THIRTEENTH SCHEDULE

ENACTMENTS REPEALED.

Session and Chapter	Short title.	Extent of Repeal
8 Ed. 7. c. 36.	The Small Holdings and Allotments Act, 1908.	Section fifty.
6 & 7 Geo. 5. c. 38.	The Small Holding Colonies Act, 1916.	Section ten.
9 & 10 Geo. 5. c. 57.	The Acquisition of Land (Assessment of Compensation) Act, 1919.	In section seven, subsection (2).
9 & 10 Geo. 5. c. 91.	The Ministry of Agriculture and Fisheries Act, 1919.	Sections two to ten; in section eleven, in subsection (2) the words from "and Parts II" to the end; the Schedules.
13 & 14 Geo. 5. c. 9.	The Agricultural Holdings Act, 1923.	Sections one to five and eight, in section nine in subsection (3) the words "standard or", section ten, in section eleven subsection (3), sections twelve to fourteen, in section sixteen subsection (2), in section twenty-five paragraphs (a) and (b) of subsection (2), section twenty-six, in section twenty-nine the proviso, section thirty-three, in section thirty-seven the words "for disturbance or for any improvement", in section forty the words from "in relation to improvements" to "payable", in section forty-nine the proviso to subsection (1) and subsections (3) to (5), section fifty, section fifty-two, in section fifty-six subsection (2), in section fifty-seven in subsection (1) the definitions of "agricultural committee",

Session and Chapter	Short title	Extent of Repeal
13 & 14 Geo. 5. c. 9.— <i>cont.</i>	The Agricultural Holdings Act, 1923— <i>cont.</i>	"allotment garden", "market garden", "manuring", and "rules of good husbandry" and subsection (3), and the First Schedule.
15 & 16 Geo. 5. c. 39.	The Agricultural Returns Act, 1925.	The whole Act, as well in its application to Scotland as in its application to England.
21 & 22 Geo. 5. c. 41.	The Agricultural Land (Utilisation) Act, 1931	Sections one to four.
22 & 23 Geo. 5. c. 12.	The Destructive Imported Animals Act, 1932.	Section four; in section five, subsection (4).
1 Ed. 8 and 1 Geo. 6. c. 70.	The Agriculture Act, 1937.	In section fifteen, in subsection (2) the words from "and except the council" to the end.
1 & 3 Geo. 6. c. 43.	The Prevention of Damage by Rabbits Act, 1939.	Part I.
3 & 4 Geo. 6. c. 50.	The Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940.	In section one, subsection (2).
6 & 7 Geo. 6. c. 16.	The Agriculture (Miscellaneous Provisions) Act, 1943.	Section nine.
9 & 10 Geo. 6. c. 73.	The Hill Farming Act, 1946.	In section nine, subsections (4) to (6).

CHAPTER 49.

Transport Act, 1947.

ARRANGEMENT OF SECTIONS.

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THE BRITISH TRANSPORT COMMISSION.

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1. The Commission.
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3. General duty of the Commission.
4. Powers of the Minister in relation to the Commission.
5. The Executives.
6. Consultative Committees.
7. Acquisition by Commission of undertakings by agreement.
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9. Power of Commission as to promoting and opposing Bills and orders.
10. Commission not to be exempted from taxation, etc.
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12. Vesting of undertakings.
13. Bodies whose undertakings are to vest in Commission.
14. General effect of vesting of undertakings.
15. Disclaimer of agreements.
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17. Valuation of securities for compensation purposes.
18. Suspension of dividend payments, etc.
19. Exception as to certain interest and certain payments.
20. Payments by Commission in respect of profits for period preceding date of transfer.
21. Application of sums received from Commission under last preceding section.
22. Liability to pay interest, etc. passing to Commission.
23. Income tax provisions as to payments under two last preceding sections.
24. Winding up of railway and canal undertakers.
25. Application of preceding provisions to local authorities.
26. Carrying on of undertakings till date of transfer.
27. Closing of accounts under control agreement.
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29. Transfer to Commission of privately-owned railway wagons.
30. Compensation for acquisition of wagons.
31. Recipient of compensation.
32. Mode of satisfaction of compensation.
33. Restriction of use of privately-owned wagons on Commission's lines.

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35. Commission's licensing powers as to inland waterways.
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39. Certain road transport undertakings to be acquired by Commission.
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47. Amount of compensation.
48. Date and mode of payment of compensation.
49. Compensation for property subject to incumbrances.
50. Duty of transferor as to carrying on undertaking until transfer.
51. Information, etc.

*Restrictions on Carriage of Goods for Hire or Reward
otherwise than by Commission.*

Section.

- 52. Additional restrictions on carriage of goods for hire and reward.
- 53. Protection for certain existing undertakings with A or B licences.
- 54. Right to require notice of acquisition to be given.
- 55. Measure of compensation for cessation of business and severance in certain cases.

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Part I.—Enactments repealed as from the passing of this Act.

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An Act to provide for the establishment of a British Transport Commission concerned with transport and certain other related matters, to specify their powers and duties, to provide for the transfer to them of undertakings, parts of undertakings, property, rights, obligations and liabilities, to amend the law relating to transport, inland waterways, harbours and port facilities, to make certain consequential provision as to income tax, to make provision as to pensions and gratuities in the case of certain persons who become officers of the Minister of Transport, and for purposes connected with the matters aforesaid. [6th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:—

PART I.

THE BRITISH TRANSPORT COMMISSION.

The
Commission.

1.—(1) For the purposes of this Act, there shall be a public authority to be called the British Transport Commission (in this Act referred to as “the Commission”).

(2) The Commission shall consist of a chairman and not less than four nor more than eight other members, all of whom shall be appointed by the Minister from among persons appearing to him to be persons who have had wide experience and shown capacity in transport, industrial, commercial or financial matters, in administration, or in the organisation of workers, and of whom the Chairman and not less than four other members shall be required to render whole-time service to the Commission.

(3) Every member of the Commission shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment:

Provided that any member may at any time by notice in writing to the Minister resign his office.

(4) A person shall be disqualified for being appointed or being a member of the Commission so long as he is a member of the Commons House of Parliament.

(5) Before appointing a person to be a member of the Commission, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Commission and the Minister shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest; and any person who is, or whom the Minister proposes to appoint to be, a member of the Commission shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this subsection.

(6) A member of the Commission who is in any way directly or indirectly interested in a contract made or proposed to be made by the Commission shall disclose the nature of his interest at a meeting of the Commission; and the disclosure shall be recorded in the minutes of the Commission, and the member shall not take any part in any deliberation or decision of the Commission with respect to that contract.

(7) The Commission—

(a) shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may, with the approval of the Treasury, determine; and

(b) on the retirement or death of any of the members as to whom the Minister may, with the approval of the Treasury, determine that such provision should be made, shall pay to or in respect of them such pensions as he may so determine.

(8) The Minister shall, as soon as may be after the first appointment of any person as a member of the Commission, lay before each House of Parliament a statement of the salary or fees and of the allowances which the Commission are required to pay to that person under the last preceding subsection.

(9) The provisions of the First Schedule to this Act shall have effect with respect to the Commission.

PART I.
—cont.
Powers of
Commission

2.—(1) Subject to the provisions of this Act, the Commission shall have power—

- (a) to carry goods and passengers by rail, road and inland waterway, within Great Britain;
- (b) to provide, within Great Britain, port facilities and facilities for traffic by inland waterway;
- (c) to store goods within Great Britain, whether or not those goods have been or are to be carried by the Commission, so, however, that facilities for the storage of goods which have not been or are not to be carried by the Commission shall not be provided by the Commission except on premises where such facilities are provided for the storage of goods carried or to be carried by them;
- (d) to consign goods on behalf of other persons from any place in Great Britain, or from any place to which the Commission have themselves carried the goods in question, to any other place, whether in Great Britain or elsewhere;
- (e) in places within Great Britain where their passengers may require them, to provide both for their passengers and for other persons hotels, hostels, other living accommodation and places for refreshment; and
- (f) to provide in Great Britain such other amenities and facilities for passengers and other persons making use of the services provided by them as it may appear to them requisite or expedient to provide:

Provided that the Commission shall not have power to carry passengers by road in a hackney carriage adapted to carry less than eight passengers and used in plying or standing for hire in a street.

(2) Subject to the provisions of this Act, the powers conferred by subsection (1) of this section include power—

- (a) to construct, manufacture, purchase, maintain and repair anything required for the purpose of any of the activities of the Commission specified in that subsection;
- (b) to do anything for the purpose of advancing the skill of persons employed by the Commission or the efficiency of the equipment of the Commission or of the manner in which that equipment is operated, including the provision by the Commission, and the assistance of the provision by others, of facilities for training, education and research;
- (c) to buy land, or take land on lease or under any form of tenancy;

PART I.
—cont.

- (d) to provide houses hostels and other like accommodation for persons employed by the Commission;
- (e) to do all other things which in the opinion of the Commission are necessary to facilitate the proper carrying on of the business of the Commission;
- (f) to acquire by agreement (whether absolutely or for any period) the whole or any part of any undertaking of any other person, being an undertaking, or a part of an undertaking, the activities whereof are wholly or mainly such activities as are specified in the said subsection (1);
- (g) to enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the Commission or otherwise, of any of the activities specified in the said subsection (1), or for the provision by that person, whether as agent for the Commission or otherwise, of clearing house facilities in connection with the transport of goods;
- (h) to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods outside Great Britain providing for the carriage of passengers or goods by or on behalf of the Commission and that other person under one contract or at a through charge or in the same vehicles or containers, whether belonging to the Commission or not;
- (i) to lend money to, or give guarantees for the benefit of, any person carrying on or about to carry on any of the activities specified in the said subsection (1), to lend money to, or give guarantees for the benefit of, any body corporate which directly or indirectly controls another body corporate which is carrying on or about to carry on any such activities, and to acquire by agreement any securities of any body corporate which is carrying on or about to carry on or which directly or indirectly controls another body corporate which is carrying on or about to carry on any such activities;
- (j) to make housing loans to persons employed by the Commission to assist them to acquire housing accommodation:

Provided that—

- (i) the Commission shall not by virtue of this subsection engage in the building of ships, except lighters, barges or like vessels of a gross tonnage not exceeding one hundred and seventy-five tons;

PART I.
— *cont.*

- (ii) the Commission shall not, by virtue of this subsection, construct or manufacture anything required for the purposes of any such activities of the Commission as are specified in paragraphs (e) and (f) of subsection (1) of this section unless either the construction or manufacture is such as would normally be carried on by persons carrying on a business the principal objects of which were restricted to the activities in question or the construction or manufacture of similar things is carried on by the Commission in connection with any such activities as are specified in paragraphs (a), (b), (c) or (d) of the said subsection (1);
- (iii) the Commission shall not, by virtue of this subsection, construct, manufacture, or otherwise produce anything which is not required for use for the purposes of their undertaking.

(3) Where, whether by agreement or otherwise, the Commission acquire the whole or any part of any undertaking of any other person, they may, subject to the provisions of this Act, carry on any activities, whether mentioned in subsection (1) of this section or not, which were theretofore carried on for the purposes of that undertaking or part of an undertaking or were authorised by any statutory provision to be carried on for the purposes thereof:

Provided that, notwithstanding anything in this subsection or in any subsequent provision of this Act, or in any scheme, order or regulations made under any such provision, the Commission shall not construct, manufacture or otherwise produce anything which is not required either for use for the purposes of their undertaking or for the fulfilment of a contract made, before the acquisition by the Commission of the undertaking or part of an undertaking, by the person theretofore carrying it on.

(4) Notwithstanding anything in the two last preceding subsections or in any subsequent provision of this Act, or in any scheme, order or regulation made under any such provision, the Commission—

- (a) shall not manufacture in any one financial year of the Commission, otherwise than for purposes of experiment or research, chassis for road vehicles substantially in excess of the total of the number manufactured in a year, in the course of carrying on all undertakings or parts of undertakings acquired by the Commission before the end of the financial year in question, by the persons theretofore carrying them on, such total being arrived at by taking,

PART I.
—*cont.*

in the case of each undertaking or part of an undertaking, the highest number manufactured in any one financial year of that undertaking out of the last three such years completed before the date of the acquisition of the undertaking or part of an undertaking by the Commission;

(b) shall not manufacture in any one financial year of the Commission, otherwise than for purposes of experiment or research, bodies for road vehicles in numbers exceeding—

(i) in the case of bodies for passenger vehicles, one fifth of the total number of such bodies estimated to be required to be manufactured for use for the purposes of the Commission's undertaking during that year, with the addition of the number of omnibus bodies authorised to be manufactured under section twenty-one of the London Passenger Transport Act, 1933; or

23 & 24 Geo. 5.
c. 14.

(ii) in the case of bodies for other vehicles, one quarter of the total number of such bodies estimated to be required as aforesaid;

(c) shall not manufacture, otherwise than for the purposes of experiment or research, major components which are not required either—

(i) for a chassis to be manufactured by the Commission; or

(ii) as replacements in chassis which have been manufactured either by the Commission or by the person theretofore carrying on an undertaking or part of an undertaking acquired by the Commission;

(d) shall not purchase any road vehicle for the purpose of sale to another person;

(e) shall not trade in spare parts for or accessories to road vehicles, or in petrol or oil for road vehicles, except by way of carrying on any activities mentioned in the last preceding subsection which consist of such trading, and shall cease to carry on any such activities not later than on the expiration of three years from the date of the acquisition by the Commission of the undertaking or part of an undertaking concerned; and

(f) shall not engage in the maintenance or repair of road vehicles or spare parts for or accessories to road vehicles (other than vehicles, spare parts or accessories used by the Commission for the purposes of their undertaking), except by way of carrying on any

PART I.
—*cont.*

activities mentioned in the last preceding subsection which consist of such maintenance or repair, and shall cease to carry on any such activities not later than on the expiration of three years from the date of the acquisition by the Commission of the undertaking or part of an undertaking concerned:

Provided that, where any rights or liabilities under a contract made, before the date of the acquisition by the Commission of an undertaking or part of an undertaking, by the person theretofore carrying it on become, by virtue of the acquisition, rights or liabilities of the Commission—

- (i) any chassis or body for a road vehicle manufactured by the Commission in pursuance of the contract shall be left out of account for the purposes of paragraph (a) or paragraph (b) of this subsection; and
 - (ii) nothing in paragraphs (c), (d), (e) or (f) of this subsection shall have effect so as to prevent the fulfilment of that contract by the Commission.
- (5) For the purposes of the last preceding subsection—
- “ body,” in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, includes that framework;
- “ chassis ” means—
- (a) in relation to a vehicle in which the framework to which the major components are attached is distinct from the body-structure, that framework together with the complement of major components required in order to construct a road vehicle on that framework; or
 - (b) in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, the complement of major components required in order to complete that body-structure, when new, as a road vehicle;
- “ major component ” means the complete power unit, complete transmission system, complete suspension system, complete steering gear, complete braking system or complete axle of a vehicle;
- “ manufacture,” in relation to the body of a road vehicle and in relation to the chassis of a road vehicle where the framework to which the major components are attached is distinct from the body-structure, includes the assembly of the parts of the body or, as the case

may be, of the parts of the chassis, for the purpose of constructing a new body or, as the case may be, a new chassis.

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—*cont.*

(6) For the purposes of subsection (4) and of the provisos to subsections (2) and (3) of this section, where a body corporate is directly or indirectly controlled by the Commission, anything done by that body shall be deemed to be done by the Commission and the undertaking of the body shall be deemed to form part of the undertaking of the Commission.

(7) The Commission may dispose, whether absolutely or for a term of years, of any part of their undertaking or any property which in their opinion is not required by them for the discharge of their duties under this Act, including, without prejudice to the generality of the preceding words, any part of their undertaking which is carried on outside Great Britain and any property situated outside Great Britain.

(8) For the avoidance of doubt, it is hereby declared that the preceding provisions of this section relate only to the capacity of the Commission as a statutory corporation, and nothing in the said provisions shall be construed as authorising the disregard by the Commission of any enactment or rule of law.

(9) The provisions of this section (except where they expressly refer to any subsequent provision of this Act) shall not be construed as limiting any power of the Commission conferred by or under any subsequent provision of this Act.

3.—(1) It shall be the general duty of the Commission so to exercise their powers under this Act as to provide, or secure of the Commission, or promote the provision of, an efficient, adequate, economical and properly integrated system of public inland transport and port facilities within Great Britain for passengers and goods with due regard to safety of operation; and for that purpose it shall be the duty of the Commission to take such steps as they consider necessary for extending and improving the transport and port facilities within Great Britain in such manner as to provide most efficiently and conveniently for the needs of the public, agriculture, commerce and industry:

Provided that the references in this subsection to transport do not include references to transport by air.

(2) Where the Commission are for the time being providing regular goods transport services of different kinds available between the same points, it shall be their duty to allow any person desiring transport for his goods between those points freedom to choose such of the services so provided as he considers most suitable to his needs:

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—*cont.*

Provided that nothing in this subsection shall be construed as—

- (a) imposing on the Commission any obligation as to the provision or continued provision (either at all or to any particular extent) of any, or of any particular form of, goods transport service between any particular points; or
- (b) preventing the Commission from making charges which differ according to the requirements made as respects the kinds of goods transport services which are to be used.

(3) Where the Commission intend to discontinue permanently the provision of any regular goods transport service by road between any particular points, they shall, before discontinuing that service, give not less than one month's notice of their intention, in such manner as appears to them best suited for bringing that intention to the notice of the persons who, in the opinion of the Commission, are likely to be directly affected by the discontinuance.

(4) All the business carried on by the Commission, whether or not arising from undertakings or parts of undertakings vested in them by or under any provision of this Act, shall form one undertaking, and the Commission shall so conduct that undertaking and, subject to the provisions of this Act, levy such fares, rates, tolls, dues and other charges, as to secure that the revenue of the Commission is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.

(5) Nothing in this section shall be construed as imposing on the Commission, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which they would not otherwise be subject.

**Powers of the
Minister in
relation to the
Commission.**

4.—(1) The Minister may, after consultation with the Commission, give to the Commission directions of a general character as to the exercise and performance by the Commission of their functions in relation to matters which appear to him to affect the national interest, and the Commission shall give effect to any such directions.

(2) In framing programmes of reorganisation or development involving substantial outlay on capital account, the Commission shall act on lines settled from time to time with the approval of the Minister.

(3) In the exercise and performance of their functions as to training, education and research, the Commission shall act on lines settled as aforesaid.

(4) The Commission shall not, without the consent of the Minister, acquire by agreement (whether absolutely or for any period) the whole or any part of any undertaking if the activities of that undertaking or that part thereof, as the case may be, consist wholly or mainly in constructing, owning, operating or conserving any railway, harbour or inland waterway, or in operating tramcars or trolley vehicles.

(5) Without prejudice to the preceding provisions of this section, the Minister may, after consultation with the Commission, direct the Commission to discontinue any of their activities, dispose of any part of their undertaking, dispose of any securities held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantee given by them, and the Commission shall give effect to any such directions:

Provided that the Minister shall not give any such direction unless he is satisfied that the carrying on of the activities or the retention of the part of the undertaking or the securities or the continuance of the loan or guarantee, as the case may be, is unnecessary for the proper discharge of the duties of the Commission under this Act.

(6) The Commission shall furnish the Minister with such returns, accounts and other information with respect to their property and activities as he may from time to time require.

(7) Without prejudice to the provisions of the last preceding subsection, the Commission shall, as soon as possible after the end of each financial year of the Commission, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister to the Commission during that year unless the Minister has notified to the Commission his opinion that it is against the interests of national security to do so and shall include a statement of the salaries or fees and of the emoluments of each of the members of the Commission during that year.

5.—(1) There shall be public authorities known as Executives to assist the Commission in the discharge of their functions in the manner specified in this section. The Executives.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the membership of the Executives and otherwise in relation to them.

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(3) The number and names of the Executives shall be such as may from time to time be provided by order of the Minister after consultation with the Commission, but unless and until other provision is made by such an order there shall be Executives known respectively as the Railway Executive, the Docks and Inland Waterways Executive, the Road Transport Executive and the London Transport Executive and, as from the appointed day, an Executive known as the Hotels Executive.

(4) Each Executive shall, as agents for the Commission, exercise such functions of the Commission as are for the time being delegated to them by or under a scheme made by the Commission and approved by the Minister.

(5) Every scheme made and approved as aforesaid and every instrument issued thereunder effecting or revoking or varying any delegation of functions of the Commission shall be published in the London, Edinburgh and Belfast Gazettes:

Provided that the publication in the London, Edinburgh or Belfast Gazette of a notice stating that a scheme has been made and approved or that an instrument has been issued, and specifying the place where copies thereof may be purchased, shall be sufficient compliance with the provisions of this subsection as respects the publication of that scheme or instrument in that Gazette.

(6) Any delegation effected by or under such a scheme may be expressed by the scheme or by the relevant instrument issued thereunder to be subject to conditions and limitations, and, whether or not the relevant delegation is expressed to be subject to any conditions or limitations, every Executive shall, in the exercise of their functions, give effect to any directions which may from time to time be given to them by the Commission.

(7) Any such delegation may be so framed as to empower the Executive to perform any of the functions delegated to them through agents.

(8) No such delegation shall be so framed as to empower the Executive to borrow any money unless the borrowing is temporary, is for the purpose of carrying on the current business of the Executive and is authorised, either generally or specially, by the Commission.

(9) As respects matters for the time being falling within the scope of any such delegation, the following provisions shall have effect except as between the Executive and the Commission, that is to say—

(a) any rights, powers and liabilities of the Commission shall be treated as rights, powers and liabilities of the Executive, and the Executive only;

- (b) the Executive shall, to the exclusion of the Commission, be treated as the employer of any officers or servants of the Commission so long as they are by virtue of the delegation under the control of the Executive;

PART I.
—cont.

and references to the Commission in this Act or in any other statutory provision or in any contract or document shall be construed accordingly, and legal proceedings shall be brought by and against the Executive accordingly, to the exclusion of the Commission :

Provided that if any sum required by any judgment or order to be paid by an Executive is not paid by the Executive within fourteen days from the date on which execution becomes leviable to enforce the judgment or order, the Commission shall be liable to pay that sum and that judgment or order shall be enforceable against the Commission accordingly.

- (10) In addition to the powers exercisable by an Executive by virtue of any such delegation, every Executive shall, except so far as the Commission may otherwise direct, have power, at the request of the Commission or of any other Executive, to do, as agent for the Commission or that other Executive, anything which the Commission or that other Executive have power to do.

- (11) Where the effect of an order of the Minister under subsection (3) of this section is to abolish an Executive, or the effect of a scheme under subsection (4) of this section is that functions previously directly exercisable by the Commission are exercisable by an Executive or that functions previously exercisable by an Executive are exercisable by a different Executive or directly by the Commission, the order or scheme shall include such transitional provisions as to the parties by and against whom legal proceedings are to be instituted or continued, and such other transitional provisions, if any, as appear to the Minister, or to the Commission and the Minister, as the case may be, to be expedient.

6.—(1) There shall be established in accordance with the Consultative provisions of this section a Central Transport Consultative Committees. Committee for Great Britain and, for such areas in Great Britain as are mentioned in subsection (3) of this section, either—

- (a) a Transport Users Consultative Committee in respect of passenger traffic and a Transport Users Consultative Committee in respect of goods traffic; or

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—*cont.*

(b) a Transport Users Consultative Committee in respect of both passenger and goods traffic.

(2) The Minister may at any time, after consultation with the Central Transport Consultative Committee, abolish any Transport Users Consultative Committee.

(3) The areas for which there are to be Transport Users Consultative Committees shall be such areas in Great Britain as the Minister may from time to time direct:

Provided that—

- (a) there shall be no part of Great Britain which is not within the area of a Transport Users Consultative Committee; and
- (b) whether or not there are a Transport Users Consultative Committee or Transport Users Consultative Committees for areas consisting of or including parts of Scotland and parts of Wales, there shall at all times be a Transport Users Consultative Committee in respect of both passenger and goods traffic for Scotland and a Transport Users Consultative Committee in respect of both passenger and goods traffic for Wales,

and the powers of the Minister under this and the last preceding subsection shall be exercised accordingly.

(4) Every such Committee as aforesaid shall consist of such number of persons appointed by the Minister as the Minister may from time to time determine, being—

- (a) an independent chairman;
- (b) members appointed, after consultation with such bodies representative of the interests concerned as the Minister thinks fit, to represent agriculture, commerce, industry, shipping, labour and local authorities; and
- (c) members appointed from among persons nominated by the Commission:

Provided that—

- (i) in the case of the Central Transport Consultative Committee, the persons nominated by the Commission shall include at least one member of the Commission;
- (ii) members need not be appointed under paragraph (b) of this subsection to any Transport Users Consultative Committee to represent any of the interests

mentioned in paragraph (b) of this subsection which in the opinion of the Minister need not be represented on that Committee; and

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(iii) the Minister may, if he thinks fit, appoint to any such committee not more than two additional members.

(5) A person who is appointed a member of a Committee established under this section shall not by reason of his appointment be disqualified for being elected to, or for sitting or voting as a member of, the Commons House of Parliament.

(6) The members of any Committee established under this section shall hold and vacate their office in accordance with the terms of their respective appointments and shall, on ceasing to be members of the Committee, be eligible for re-appointment:

Provided that any member may at any time by notice in writing to the Minister resign his office.

(7) Every Committee appointed under this section shall consider and, where it appears to the Committee to be necessary, make recommendations in regard to any matter (including charges) affecting the services and facilities provided by the Commission which has been the subject of representations (other than representations which appear to the Committee to be frivolous) made to the Committee by users of those services or facilities, or which appears to be a matter to which consideration ought to be given, or which the Minister or Commission may refer to them for consideration; and every such Committee shall meet when convened by the chairman thereof, but in no case less frequently than twice a year, and, without prejudice to the discretion of the Chairman to call a meeting of the Committee whenever he thinks fit so to do, he shall call a meeting thereof when required so to do by any three members of the Committee.

(8) Minutes shall be kept of the proceedings of every such Committee and copies of the minutes and of the recommendations or conclusions of any such Committee shall—

(a) in the case of a Transport Users Consultative Committee, be sent to the Central Transport Consultative Committee and to the Commission;

(b) in the case of the Central Transport Consultative Committee, be sent to the Minister and to the Commission,

and where a copy of a recommendation of the Central Transport Consultative Committee is sent to the Minister, the Minister may give such directions to the Commission with respect to

PART I.
—*cont.*

the matters dealt with by the recommendation as he thinks fit, and the Commission shall give effect to any such directions.

(9) The Central Transport Consultative Committee shall make an annual report to the Minister, and the Minister shall lay a copy of that report before each House of Parliament.

(10) The Commission shall provide every such Committee with such officers and servants, and such office accommodation, as appear to the Commission to be requisite for the proper discharge of the Committee's functions or as may be directed by the Minister; and they may pay to the members of any such Committee allowances in respect of any loss of remunerative time in accordance with a scale approved by the Minister and the Treasury and such travelling allowances and such allowances in respect of their out-of-pocket expenses as the Commission may determine.

(11) The panels set up under section twenty-three of the Ministry of Transport Act, 1919, and the Transport Advisory Council set up under section forty-six of the Road and Rail Traffic Act, 1933, shall cease to exist.

9 & 10 Geo. 5.
c. 50.
23 & 24 Geo. 5.
c. 53.

Acquisition by
Commission of
undertakings
by agreement.

7.—(1) Where the Commission have power under the preceding provisions of this Part of this Act to acquire an undertaking or part of an undertaking by agreement, the persons theretofore carrying on that undertaking may, notwithstanding anything to the contrary in any statutory provision or other instrument relating to their functions, make and carry out agreements with the Commission for the transfer to the Commission of the whole or any part of that undertaking.

(2) Where any such agreement is made, the Minister may make regulations for enabling the undertaking or part of an undertaking to be carried on by the Commission in lieu of the persons theretofore carrying it on, and any such regulations—

- (a) may include provisions for transferring rights, powers, and liabilities to the Commission, and, where the said persons are a body corporate, for winding them up;
- (b) may, to such extent as may be necessary for the purpose of enabling the undertaking or part of an undertaking to be carried on by the Commission in lieu of the said persons or for the purpose of enabling the said persons to be wound up, adapt, modify or repeal any statutory provision;

PART I.
—cont.

(c) may, to such extent as may be necessary for the purpose of enabling the undertaking or part of an undertaking to be carried on by the Commission in lieu of the said persons, adapt or modify any contract or other instrument of or relating to the said persons or relating to the undertaking; and

(d) may make such transitional provision in connection with the transfer of the undertaking or part of an undertaking as the Minister may think necessary or expedient.

(3) Notwithstanding anything in subsection (2) of this section, where any statutory provision relating to the undertaking or the person theretofore carrying it on is expressed to be for the protection or for the benefit of a named person, the Minister shall not by any regulations made under the said subsection (2) repeal that statutory provision or so adapt or modify it as to lessen the protection or benefit afforded thereby unless the named person is a party to the agreement or consents to the making of the regulations, but the Minister may by order made without such consent do anything which he could do by regulations with such consent, and any such order shall be subject to special parliamentary procedure.

8. The Minister may authorise the Commission to purchase compulsorily any land which they require for any purpose connected with the discharge of their functions, and the Acquisition of Land (Authorisation Procedure) Act, 1946 (except section two thereof) shall apply as if the Commission were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act. Compulsory purchase of land. 9 & 10 Geo. 6. c. 49.

9.—(1) The Commission may, with the consent of the Minister, promote Bills in Parliament and may oppose any Bill in Parliament. Power of Commission as to promoting and opposing Bills and orders.

(2) The power conferred by subsection (1) of this section shall be in lieu of any power to promote or oppose Bills which the Commission might otherwise possess under any of the provisions of this Act as successors to the persons carrying on any undertaking, but nothing in this section shall be construed as prejudicing any power exercisable by the Commission as such successors as aforesaid to apply for orders, and oppose applications for orders, including orders subject to special parliamentary procedure.

10. Nothing in this Act shall be deemed to exempt the Commission from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local. Commission not to be exempted from taxation, etc.

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Liability of
Commission in
actions, etc.
56 & 57 Vict.
c. 61.
2 & 3 Geo. 6.
c. 21.

11.—(1) The Public Authorities Protection Act, 1893, and section twenty-one of the Limitation Act, 1939, shall not apply to any action, prosecution or proceeding against the Commission or an Executive or for or in respect of any act, neglect or default done or committed by a servant or agent of the Commission or an Executive in his capacity as a servant or agent of theirs.

(2) In their application to any such action as aforesaid sections two and three of the Limitation Act, 1939 (which relate to the limitation of actions of contract and tort, and certain other actions) shall have effect with the substitution for references therein to six years of references to three years.

PART II.

RAILWAYS AND CANALS.

Acquisition of Railway and Canal Undertakings.

Vesting of
undertakings.

12.—(1) Subject to the provisions of this Act, the whole of the undertakings of the bodies of persons specified in the Third Schedule to this Act, being the bodies who fall within the class described in the next succeeding section, shall, on the first day of January, nineteen hundred and forty-eight (hereafter in this Part of this Act, and in the other provisions of this Act so far as they refer to the acquisition by the Commission of the said undertakings, referred to as "the date of transfer"), vest by virtue of this Act in the Commission.

(2) For the avoidance of doubt it is hereby declared that the transfer effected by this section extends to parts of the undertakings in question which are carried on outside Great Britain or are concerned with activities other than those specified in subsection (1) of section two of this Act, and the subsequent provisions of this Part of this Act shall be construed accordingly.

Bodies whose
undertakings
are to vest in
Commission.

13.—(1) Subject to the provisions of subsection (2) of this section the class of bodies referred to in the last preceding section are the bodies which either—

- (a) carry on any railway, canal or inland navigation undertaking the whole or any part of which is at the date of the passing of this Act under the control of the Minister by virtue of an order made under Regulation sixty-nine of the Defence (General) Regulations, 1939; or
- (b) are the owners of any railway or canal forming, or forming part of, the subject matter of any such undertaking as aforesaid; or

(c) were at some time before the passing of this Act owners of any such railway or canal, and are, by virtue of some enactment, represented as respects that railway or canal by the body carrying on the corresponding undertaking, and do not themselves carry on any activity not connected with that railway or canal.

PART II.

—cont.

(2) Notwithstanding anything in subsection (1) of this section, the said class does not include any body which carries on a railway or canal undertaking or owns a railway or canal if the railways or canals which it owns or which are the subject matter of the undertaking or undertakings which it carries on are, taken as a whole, to a preponderant extent outside the United Kingdom or otherwise outside the scope of the Orders made under the said Regulation sixty-nine, so far as those Orders relate to the control of railway, canal or inland navigation undertakings, or any body which owns a railway or canal if the railways or canals which it owns are worked by another body and the annual sum payable under the working agreement is less than the total revenue of the first mentioned body derived from carrying on activities not connected with those railways or canals.

(3) It is hereby declared that the references in subsection (1) of this section to any canal or inland navigation undertaking the whole or any part of which is at the date of the passing of this Act under the control of the Minister by virtue of an order made under Regulation sixty-nine of the Defence (General) Regulations, 1939, do not include references to any undertaking which was under the control of the Minister by reason only that it was a canal carrier undertaking.

14.—(1) The provisions of this section shall, subject to the other provisions of this Act, have effect where, under the preceding provisions of this Part of this Act, the whole of the undertaking of any body is to vest in the Commission.

General effect of vesting of undertakings.

(2) Subject to the provisions of this section, all the property of the body immediately before the date of transfer shall vest in the Commission and, as from the date of transfer, the Commission shall, to the exclusion of the body, have all rights and be subject to all liabilities which the body had or to which the body were subject immediately before the date of transfer.

(3) Subject to the provisions of this section, every agreement to which the body were a party, whether in writing or not and whether or not of such nature that rights and liabilities thereunder could be assigned by the body, shall, unless its terms or subject matter make it impossible that it should

PART II.
—*cont.*

have effect as modified in the manner provided by this subsection, have effect as from the date of transfer as if—

- (a) the Commission had been a party to the agreement; and
- (b) for any reference (however worded and whether express or implied) to the body there were substituted, as respects anything falling to be done on or after the date of transfer, a reference to the Commission; and
- (c) any reference (however worded and whether express or implied) to, or to any part of, or to any sum determined by reference to, any profits or receipts of the undertaking of the body, were, as respects profits or receipts arising on or after the date of transfer, a reference to, or to the corresponding part of, or to a sum similarly determined by reference to, an estimate of what those profits or receipts would have been but for the transfer; and
- (d) any reference (however worded and whether express or implied) to the directors or any director of the body were, as respects anything falling to be done on or after the date of transfer, a reference to such person as the Commission may appoint; and
- (e) any reference (however worded and whether express or implied) to any officer or any servant of the body were, as respects anything falling to be done on or after the date of transfer, a reference to such person as the Commission may appoint or, in default of appointment, to the officer or servant of the Commission who corresponds as nearly as may be to the first mentioned officer or servant; and
- (f) in the case of an agreement for the rendering of personal services to the body, the services to which the agreement relates were, on and after the date of transfer, any reasonably comparable services under the Commission, to be selected by the Commission; and
- (g) save as provided by the four last preceding paragraphs, any reference (however worded and whether express or implied) to the undertaking of the body were as respects the period beginning with the date of transfer a reference to so much of the undertaking of the Commission as corresponds to the undertaking of the body:

Provided that any agreement to which the body were a party which cannot have effect as modified in the manner provided by this subsection by reason only that, if it were so modified, no person other than the Commission would have rights or liabilities thereunder shall cease to have effect as respects anything falling to be done on or after the date of transfer.

PART II.
—*cont.*

(4) The provisions of the last preceding subsection (except paragraphs (a) and (f) thereof) shall apply in relation to any statutory provision, any provision of any agreement to which the body were not a party, and any provision of any other document not being an agreement, as they apply in relation to an agreement to which the body were a party, and, in relation to any such statutory or other provision as aforesaid, the references in paragraphs (b), (c), (d), (e) and (g) of that subsection to the body, to any profits or receipts of the undertaking of the body, to any directors, officers or servants of the body, and to the undertaking of the body include references made by means of a general reference to a class of persons of which the body are one, without the body themselves being specifically referred to.

The statutory or other provisions to which this subsection applies include statutory or other provisions passed or made after the passing of this Act but before the date of transfer.

(5) Without prejudice to the generality of the preceding provisions of this section, where, by the operation of any of the said provisions, any right or liability becomes a right or liability of the Commission, the Commission and all other persons shall, as from the date of transfer, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Commission, and any legal proceedings or applications to any authority pending on the date of transfer by or against the body, in so far as they relate to any property, right or liability transferred to the Commission under this section, or to any agreement, statutory provision or document which has effect in accordance with subsection (3) or subsection (4) of this section, shall be continued by or against the Commission to the exclusion of the body.

(6) Notwithstanding anything in this section—

(a) there shall not, by reason of the vesting, be transferred to the Commission any right or liability of the body in respect of any security which is taken into account under the subsequent provisions of this

PART II.
—cont.

Part of this Act in assessing the compensation payable in the case of that or any other body;

- (b) there shall not, by reason of the vesting, be transferred to the Commission any liability of the body in respect of any security of the body created, in pursuance of any enactment, as collateral security for a loan to the body or to another person;
- (c) the Commission shall not, by reason of the vesting, have any rights or powers of the body as respects the borrowing of money or the raising of money by the issue of securities, and the provisions of subsections (3) and (4) of this section shall not apply to agreements, statutory provisions or documents relating to the borrowing of money by the body or the raising of money by the issue of securities of the body;
- (d) the provisions of the said subsection (3) shall not apply to agreements for the rendering to the body of personal services as a director (other than a managing director):

Provided that paragraph (a) of this subsection shall not apply in relation to any right or liability which is declared by any provision of this Act to be a right or liability which passes to the Commission.

(7) Without prejudice to any other liability of the Commission in respect of a loan to the body or to any other person—

- (a) any security of the body which has been created in pursuance of any enactment as collateral security for the loan shall be cancelled as from the date of transfer;
- (b) any provision of any enactment or agreement requiring any security of the body to be created as collateral security for the loan shall cease to have effect as from the date of transfer; and
- (c) any provision of any enactment or agreement with respect to the redemption of any security of the body outstanding at the date of transfer which was created in pursuance of any enactment as collateral security for the loan shall cease to have effect as from the date of transfer.

(8) Where any property or rights vest in or are transferred to the Commission under subsection (2) of this section or would so vest or be so transferred but for the fact that transfers thereof are governed otherwise than by the law of any part of the United Kingdom, the body shall comply with such directions as may be given to them by the Commission for the purpose of securing that the ownership of the property or, as the

case may be, that the right, is effectively transferred to the Commission.

PART II.
—cont.

15.—(1) Where, under the preceding provisions of this Part of this Act, the whole of the undertaking of a body is to vest in the Commission, the body shall, as soon as may be after the passing of this Act and in any case not later than seven days after the date of transfer or such later date as the Commission may, either generally or in any particular case, allow, supply to the Commission particulars of all agreements of the body made or varied on or after the nineteenth day of November, nineteen hundred and forty-five, under which, by virtue of the preceding provisions of this Part of this Act, the Commission have or will or may have liabilities, except such agreements as the Commission may exclude, either generally or in any particular case, from the operation of this subsection.

Disclaimer of
agreements.

(2) Where the making, or, as the case may be, the variation, of any agreement of the body which was made or varied as aforesaid was not reasonably necessary for the purposes of those of the activities of the body to which it relates, or was an act of unreasonable imprudence on the part of the body, the Commission may, by notice in writing to the parties to the agreement given—

- (a) in the case of an agreement of which particulars are given under subsection (1) of this section, before the expiration of three months from the date when the particulars are so given;
- (b) in the case of an agreement of which particulars ought to have been but have not been so given, before the expiration of three months from the date when the existence and full particulars of the agreement first become known to the Commission; and
- (c) in the case of any other agreement, given before the expiration of three months from the date of transfer, disclaim the agreement.

(3) Where notice of disclaimer is so given by the Commission with respect to any agreement—

- (a) subsection (3) of the last preceding section shall be deemed never to have applied to the agreement, and subsection (2) thereof shall be deemed never to have applied to any rights or liabilities thereunder or arising by reason of the frustration thereof;
- (b) the agreement shall be deemed to have been frustrated on the date of transfer and the parties thereto to have been for that reason discharged from the further performance thereof; and

PART II.
—*cont.*

(c) the like consequences shall follow as between the Commission and any party to the agreement who, before the giving of the notice of disclaimer, has, in pursuance of the agreement, supplied goods or rendered services to the Commission which the Commission have accepted, or to whom, before the giving of the notice of disclaimer, the Commission have, in pursuance of the agreement, supplied goods or rendered services which he has accepted, as would have followed if those goods or services had been supplied or rendered at the request of the Commission or of that party, as the case may be, apart from the agreement, and on terms that a reasonable payment would be made in respect thereof and any payments by or to the Commission before the giving of the notice of disclaimer shall be adjusted accordingly.

(4) For the purposes of paragraph (c) of the last preceding subsection, a person who permits another to use or enjoy any property shall be deemed to render a service to him.

(5) Nothing in this section applies to any agreement for, or contained in, a lease or other tenancy or any agreement made or varied, whether before or after the passing of this Act, with the previous consent or subsequent approval of the Minister, given in writing either generally or specially.

Compensation. 16.—(1) Compensation shall be paid by the Commission in respect of the vesting, in accordance with the preceding provisions of this Part of this Act, of undertakings in the Commission by reference to the values of the securities specified in the Fourth Schedule to this Act (being all the securities existing at the passing of this Act of all the bodies the whole of the undertakings of which vest in the Commission under the preceding provisions of this Part of this Act, other than securities which, by the terms of the issue thereof, must be redeemed before the date of transfer or securities created in pursuance of any enactment as collateral security for a loan to any such body or to any other person) and, save as aforesaid and subject to any other express provision contained in this Act, no compensation shall be payable to any person in respect of the vesting in the Commission of the undertaking of any of the bodies mentioned in the Third Schedule to this Act.

(2) Subject to the provisions of this subsection, the compensation so payable in the case of any of the said bodies shall be an amount equal to the aggregate value (computed in accordance with the provisions of the next succeeding section) of all the securities, if any, of that body existing immediately before the date of transfer, being securities set out in the said Fourth Schedule:

Provided that where no person other than one or more of the bodies mentioned in the Third Schedule to this Act has any interest in the securities of a particular description set out in the said Fourth Schedule, those securities shall be left out of account.

PART II.
—*cont.*

(3) The compensation so payable shall be satisfied, in the manner provided by Part VI of this Act, by the issue in accordance with the provisions of the Fifth Schedule to this Act of British transport stock to the holders of the securities of the body in question:

Provided that where, immediately before the date of transfer, the holder was a body mentioned in the Third Schedule to this Act, the rights and liabilities of the body as such holder as aforesaid arising under this subsection or under the said Fifth Schedule shall pass to the Commission, and this subsection and the said Fifth Schedule shall, with the necessary modifications, have effect accordingly.

17.—(1) The values of the securities specified in the first column of Part I of the Fourth Schedule to this Act (being those of the securities specified in that Schedule for which quotations appeared in the Stock Exchange Official Daily List on all of the six dates specified hereafter in this subsection, other than securities guaranteed by the Treasury) shall be deemed for the purposes of the last preceding section to be the amounts specified in the second column of that Part of that Schedule in relation to those securities respectively (being amounts arrived at in accordance with the provisions of subsection (2) of this section).

Valuation of
securities for
compensation
purposes.

The said dates are the first, fourth, fifth, sixth, seventh and eighth days of November, nineteen hundred and forty-six.

(2) The amount specified in the second column of Part I of the said Fourth Schedule in relation to any securities is the average of the mean of the quotations therefor appearing in the Stock Exchange Official Daily List on the dates mentioned in subsection (1) of this section, such addition, if any, being made to that average as is necessary to make it a complete multiple of one-sixteenth of a pound:

Provided that where—

- (a) quotations for the securities appeared in the said list on any of the following dates (hereinafter referred to as "the alternative dates"), that is to say, the fifteenth day of February, the fifteenth day of March, the sixteenth day of April, the fifteenth day of May, the fifteenth day of June, and the sixteenth day of July, nineteen hundred and forty-five; and
- (b) the average mentioned in the preceding provisions of this subsection is less than the average of the mean

PART II.
—cont.

of the quotations therefor appearing in the said list on all the alternative dates on which a quotation therefor so appeared,

the amount specified in the second column of Part I of the said Fourth Schedule is computed by reference to the average of the mean of the quotations therefor so appearing on the said alternative dates, instead of by reference to the first mentioned average.

Where any quotations in the said list are not expressed in terms of prices per one hundred pounds nominal value, the computations referred to in this subsection are made by reference to those quotations adjusted so as to be expressed in terms of such prices.

(3) The values of the securities specified in Part II of the said Fourth Schedule shall be such as may be determined, on the application of the Commission (which shall be made as soon as may be after the passing of this Act) by the arbitration tribunal established under Part VIII of this Act, after giving to the holders of the securities in question an opportunity of being heard:

Provided that—

- (a) regard shall, as far as may be, be had by the said tribunal in estimating the value of any such securities to the values specified in Part I of the said Schedule in relation to the securities specified therein which are, as respect all matters affecting the value thereof, most nearly comparable to the first-mentioned securities;
- (b) where all the securities of a particular description specified in the said Part II are held by local authorities and, whether before or after the passing of this Act, an agreement is made between all those authorities and the Minister determining the amount which is to be taken for the purposes of this section as the value of those securities, that amount shall be taken for those purposes to be the value thereof;
- (c) the holder of any securities of a body may with the consent of the directors of the body appoint them to act as his representatives for the purpose of being heard in any proceedings with respect to those securities before the arbitration tribunal; and where such an appointment is made the arbitration tribunal shall hear the directors instead of that holder;
- (d) the reasonable costs incurred by the directors as such representatives in connection with any proceedings before the arbitration tribunal under the provisions of this subsection shall be paid by the Commission.

(4) The value of the securities specified in Part III of the said Fourth Schedule, being securities guaranteed by the Treasury, shall be deemed to be the nominal value of those securities.

PART II.
—cont.

(5) In this section—

the expression “ the Stock Exchange Official Daily List ” means the publication known as the Stock Exchange Daily List of Officially Quoted Securities which is published by and under the authority of the Council of the Stock Exchange, London;

the expression “ quotation ” has the same meaning as in the said list and, accordingly, does not include the statements of the business that was done;

the expression “ the mean of the quotations ” means the average of the two figures shown in the list on the date in question in respect of the security in question under the heading “ Quotations ”.

18.—(1) Subject to the provisions of the four next succeeding sections, where, under the preceding provisions of this Part of this Act, the whole of the undertaking of a body is to vest in the Commission, no interest shall be paid or payable, no dividend shall be declared or paid, and no repayment or distribution of capital shall be made, after the passing of this Act on or in respect of any of the securities of that body: Suspension of dividend payments, etc

Provided that nothing in this subsection shall prevent the payment—

(a) of any sum which had become due and payable before the passing of this Act, if the only reason why the payment was not made before the passing of this Act was either that there had not been sufficient time for the making of the payment or that it had not been possible to discover the person entitled thereto, or that the title to the payment had not been established or that a cheque or warrant issued for the purpose of effecting the payment had not been encashed;

(b) of any dividend duly declared before, but not payable till after, the passing of this Act; or

(c) of any dividend in respect of a period falling wholly or mainly before the date of the passing of this Act declared after the said date with the previous consent in writing of the Minister.

(2) Interest and annuities shall cease to accrue on any security of any such body as is mentioned in subsection (1) of this section immediately before the date of transfer, and no dividend shall be declared or paid for any period falling wholly or partly on or after the date of transfer:

Provided that nothing in this subsection shall be construed as affecting any of the provisions of Part II of the Fifth Schedule to this Act.

PART II.
—*cont.*

(3) If any interest is paid, or any dividend declared or paid, or any repayment or distribution of capital is made in contravention of this section by any body, all the directors of the body shall be jointly and severally liable to make good to the Commission any damage which the Commission suffer by reason of the declaration or payment:

Provided that a director shall not be liable under this subsection if he proves that the payment, declaration or distribution was made without his consent or connivance and that he exercised all such diligence to prevent contravention of this section as he ought to have exercised having regard to the nature of his functions as a director and in all the circumstances.

Exception as to certain interest and certain payments.

19.—(1) Subsection (1) of the last preceding section shall not apply—

- (a) to payments of interest on debentures, debenture stock, mortgages or loans;
- (b) to payments of any perpetual annuity;
- (c) to payments of interest on any securities of a body who are declared by any Act to be a public authority; or
- (d) to payments, in respect of securities carrying a right to cumulative interest or cumulative dividends at a fixed rate, of interest or dividends at the same rate as was paid at the corresponding time in the year ending with the passing of this Act,

being in any case payments becoming due and payable after the passing of this Act, and shall not apply to the declaration of any dividend the payment whereof is permitted by virtue of paragraph (d) of this subsection.

(2) The said subsection (1) shall also not apply to any capital repayments in respect of debentures, debenture stock, mortgages or loans, if the repayments become due or payable after the passing of this Act and are the minimum repayments necessary to be made after the passing of this Act in order to satisfy the rights existing on the twenty-eighth day of November, nineteen hundred and forty-six, of the holders of the debentures, debenture stock, mortgages or loans.

(3) The said subsection (1) shall also not apply to payments of interest or dividend on any securities of a body if the payment becomes due and payable after the passing of this Act and either it is required by any guarantee by one body of the securities of another body (whether that body is still in existence or not) or it is made by one body wholly or partly out of moneys provided by another body in pursuance of a guarantee of interest or dividends on those securities, and the said subsection (1) shall also not apply to the declaration of any

dividend the payment of which is permitted by this subsection.

PART II.
—*cont.*

(4) The payments which are permitted to be made by subsection (1) of this section or which would be permitted to be made thereby if they had become due and payable after the passing of this Act are in the four next succeeding sections referred to as "permitted interest and fixed rate payments" and any securities any payments in respect of which are permitted to be made by any of the preceding provisions of this section are in the two next succeeding sections referred to as "exempted securities":

Provided that references to permitted interest and fixed rate payments made by any body shall not be construed as including payments made by that body in pursuance of any guarantee of the securities of another body.

20.—(1) The provisions of this section shall have effect as respects any body the whole of whose undertaking is, under the preceding provisions of this Part of this Act, to vest in the Commission, being a body to whom a fixed annual sum is payable under Article 16 of the agreement made in pursuance of the Railways Agreement (Powers) Order, 1941, or under the corresponding provision of any agreement made in pursuance of the Canals Agreement (Powers) Order, 1944.

Payments by
Commission
in respect
of profits for
period
preceding
date of
transfer.

(2) As soon as possible after the date of transfer, there shall be ascertained and certified by an auditor appointed by the President for the time being of the Institute of Chartered Accountants in England and Wales—

- (a) the total sum received by or payable to the body in respect of the period beginning with the first day of January, nineteen hundred and forty-six, and ending immediately before the date of transfer (in this Part of this Act referred to as "the final period") on account of the said fixed annual sum;
- (b) the net revenue of the body for the final period from any part of their undertaking which is an excluded undertaking within the meaning of the agreement;
- (c) capital repayments made during the final period in respect of any securities of the body, being debentures, debenture stock, mortgages or loans, so far as those payments are made out of the total net revenue of the body for that period;
- (d) so much of the total permitted interest and fixed rate payments made by the body before the date of transfer, computed without any deduction in respect of income tax, as is attributable to the final period;

PART II.
—*cont.*

- (e) any permitted interest and fixed rate payments the liability for which passes to the Commission, computed without any deduction in respect of income tax; and
- (f) so much of the total sum paid by the body before the date of transfer by way of dividends or interest on any securities other than exempted securities, computed without any deduction in respect of income tax, as is attributable to the final period:

Provided that where, under Article 3 or Article 4 of the agreement made in pursuance of the Railways Agreement (Powers) Order, 1941, or, as the case may be, under any Article of any agreement made under the Canals Agreement (Powers) Order, 1944, corresponding to Article 5, Article 6 or Article 7 of the form of agreement annexed thereto, any sum has been debited or credited in the net revenue accounts of the body for the final period, the auditor, in arriving at the amount referred to in paragraph (a) of this subsection shall add the amounts so debited to and subtract the amounts so credited from the total sum referred to in that paragraph.

(3) The auditor shall then proceed to ascertain and certify the amount by which the total of the amounts mentioned in paragraphs (a) and (b) of subsection (2) of this section exceeds the total of the amounts mentioned in paragraphs (c), (d), (e) and (f) thereof, and, subject to the subsequent provisions of this Part of this Act authorising deductions therefrom in certain cases, the Commission shall pay that amount to the body; and the Commission, if they think fit, may, before the certificate is given, make payments to the body on account.

(4) There shall be paid to the auditor out of moneys provided by Parliament such remuneration as the Minister may with the approval of the Treasury determine and the amount of that remuneration shall be repaid to the Minister by the Commission on demand.

(5) If, in the case of any body, provision was made by any enactment—

- (a) for a reduction of the rate of interest payable in respect of any securities so as to secure that the rate should be a multiple of a particular fraction of one per cent.; and
- (b) for the payment into a special fund of any amount applicable out of revenue for the payment of interest which is not wholly distributed as interest; and
- (c) for the application of that fund, together with interest thereon, to the payment of interest in subsequent years,

the amount, if any, standing to the credit of that fund immediately before the commencement of the final period, together with any interest credited to the fund during the final period

arising from the investments thereof, shall be ascertained and certified by the auditor and added by him to the total of the amounts mentioned in paragraphs (a) and (b) of subsection (2) of this section, and the other provisions of this section shall have effect accordingly.

PART II.
—cont.

(6) The preceding provisions of this section shall apply to any body the whole of whose undertaking is, under the preceding provisions of this Part of this Act, to vest in the Commission, being a body who operate a canal or inland navigation undertaking in respect of which no such agreement as is mentioned in subsection (1) of this section is in force, as they apply in relation to any such body as is specified in the said subsection (1), subject, however, to the following modifications—

(i) paragraph (a) of subsection (2) of this section shall be omitted;

(ii) for paragraph (b) of the said subsection (2) the following paragraph shall be substituted—

“(b) the total net revenue of the body for the final period, such deductions being made in computing that net revenue in respect of provision for obsolescence of assets and renewal of assets as may be just”;

(iii) any reference to the total of the amounts certified under paragraphs (a) and (b) of the said subsection (2) shall be construed accordingly;

(iv) the expression “the total net revenue of the body” means the amount which would have been shown in the revenue accounts of the body for the final period as the net revenue of the whole of the undertaking of the body if such accounts had been—

(a) prepared in accordance with the form of Account No. 8 set out in the First Schedule to the Railway Companies (Accounts and Returns) Act, 1 & 2 Geo. 5. 1911 (as amended under section three of that Act), c. 34. and such other of the forms set out in the said Schedule (as so amended) as are relevant for the purpose of preparing their accounts in accordance with that form; and

(b) compiled in the manner determined, and approved by the Minister, in accordance with the provisions of subsection (1) of section seventy-seven of the Railways Act, 1921.

11 & 12 Geo. 5.
c. 55.

(7) In addition to any sums payable under the preceding provisions of this section, the Commission shall pay—

(a) to the bodies specified in the next succeeding subsection the sums therein specified; and

PART II
—cont

- (b) to any other body, being such a body as is specified in subsection (1) of this section, such sums, if any, as the Minister may direct, being sums which—

(i) could properly have been brought into account as net revenue (or as an appropriation in aid thereof) by the body in question in the final period if they had followed the same accounting practice as in the base period, or, where the base period is more than one year, in the last year of the base period, applicable to the body in question for the purposes of the relevant agreement mentioned in the said subsection (1), not being amounts appropriated from reserve; and

(ii) do not arise in respect of any ownership of, or interest in, any part of the body's undertaking which is an excluded undertaking within the meaning of the said agreement; and

(iii) are not required to be brought into account in the net revenue account of the body under and for the purposes of the said agreement.

- (8) The payments which the Commission are by paragraph (a) of the last preceding subsection required to make are—

- (a) to the Great Western Railway Company, the sum of five hundred and seventy-four thousand pounds;
- (b) to the London and North Eastern Railway Company, the sum of one hundred and fifty thousand pounds;
- (c) to the London Midland and Scottish Railway Company, the sum of seven hundred and ninety-nine thousand pounds;
- (d) to the Southern Railway Company the sum of two hundred and twenty-seven thousand pounds;
- (e) to the London Passenger Transport Board the sum of sixty-three thousand pounds.

Application of sums received from Commission under last preceding section.

21.—(1) Subject to the provisions of this section, the amounts paid by the Commission to a body under the last preceding section and any amounts received by the body in respect of any agreement disclaimed by the Commission (including the appropriate proportion of any amounts received by any joint committee or joint body from any person in respect of any agreement of that joint committee or joint body which is disclaimed by the Commission) shall be applied by the body (so far as those amounts will go) for the following purposes and in the following order of priority:—

- (a) in paying any sums legally due from the body to any other person in respect of any agreement disclaimed by the Commission (including the appropriate proportion of any sums legally due from any joint committee or joint body to any person in respect of any

agreement of that joint committee or joint body which is disclaimed by the Commission);

- (b) in making (notwithstanding anything in any statutory or other provision relating to the dates on which and the periods for which payments of interest or other payments are to be made) the permitted interest and fixed rate payments which have accrued up to the date of transfer and have neither been paid nor become liabilities of the Commission;
- (c) in paying such sums, if any, as may be authorised—
 - (i) where there is, or but for the payment would be, such a distribution as is mentioned in paragraph (d) of this subsection, by the body in general meeting; and
 - (ii) in any other case, by the Minister, to be paid to any person as compensation for loss of office or employment under the body or in recognition of past services rendered to the body;
- (d) in making such a distribution as is mentioned in subsection (2) of this section to the persons who immediately before the date of transfer were the holders of the securities, if any, of the body which are not exempted securities; and
- (e) in repaying the balance, if any, to the Commission :

Provided that the body may enter into an agreement with the Commission to pay to the Commission a sum agreed between them in respect of such agreements disclaimed by the Commission as may be specified in the first mentioned agreement, and upon the payment of the sum so agreed the liability, if any, to pay the sums mentioned in paragraph (a) of this subsection in respect of the disclaimed agreements so specified shall become a liability of the Commission to the exclusion of the body.

(2) The distribution falling to be made under paragraph (d) of subsection (1) of this section shall be a distribution under which the holders of the securities therein referred to become entitled to the same gross amounts as they would have become entitled to if—

- (a) the statutory or other provisions relating to the body had permitted payments of interest or dividend in respect of the securities for the final period;
- (b) the body had had available for distribution the amount paid to them by the Commission under the last preceding section less the amounts applied in making the payments mentioned in paragraphs (a), (b) and

PART II.
—cont.

(c) of, and the proviso to, subsection (1) of this section; and

- (c) the body had applied the amount so available for distribution, or so much thereof as was required for the purpose, in making payments of interest or dividend for the final period to the holders of the securities in question, in the proper order of priority and according to their respective rights, due regard being had to any interest or dividends which have already been paid for any period falling wholly or partly within the final period or which become liabilities of the Commission and all necessary adjustments being made where the final period is not a period for which interest or a dividend would be payable under the statutory or other provisions relating to those securities:

Provided that the amounts which the holders would have become entitled to by way of interest or dividend for the final period in the event contemplated by paragraph (c) of this subsection shall be computed as if the amounts deducted in respect of income tax from the payments mentioned in paragraph (b) of subsection (1) of this section and from any payments made under paragraph (d) of the said subsection (1) in respect of any securities were not available for paying any other interest or dividend.

(3) Where the total amount of interest payable in respect of any exempted securities for the final period is less than it would have been but for some statutory or other provision which provides for a reduction of the rate of interest payable in respect of the securities so as to secure that the rate shall be a multiple of a particular fraction of one per cent.—

- (a) paragraph (d) of subsection (1) of this section, and subsection (2) of this section, shall have effect in relation to the securities as if they were not exempted securities; and
- (b) the amount distributed in respect of those securities under the said paragraph (d) shall be computed as if so much of that provision as requires such a reduction as aforesaid did not apply.

(4) The persons who receive any payment under a distribution made under paragraph (d) of subsection (1) of this section, shall, subject to the provisions of the next succeeding subsection, hold the payment in the same right and on the same trusts and subject to the same powers, privileges, charges and liabilities as those in, on, or subject to which any payment of interest or dividend in respect of the securities in question would have been held by them.

PART II.
—cont.

(5) Any right to receive or benefit from a payment made under paragraph (b) or paragraph (d) of subsection (1) of this section which would, but for this subsection, have been a right of a body mentioned in the Third Schedule to this Act shall, together with any liability attaching to that right, pass to the Commission.

(6) Where a body are for any reason unable to effect payment of any sum falling to be paid by them under this section or where a receipt cannot effectively be given for any such sum, the body may pay that sum to the Commission and, on the said sum being so paid to the Commission, the liability of the body for the payment of that sum shall pass to the Commission.

22.—(1) Where any permitted interest and fixed rate payments for a period falling wholly before the date of transfer would, apart from the provisions of this Act, have fallen to be made by a body mentioned in the Third Schedule to this Act on or after the date of transfer, the liability to make those payments shall pass to the Commission:

Liability
to pay
interest, etc.,
passing to
Commission.

Provided that—

(a) the liability of the Commission in respect of any such payments shall not exceed the sum which the body in question would have had available for the making of the payments if the undertaking thereof had not vested in the Commission;

(b) where, apart from the provisions of this Act, the persons to whom the payments were to be made would have been ascertained by reference to the state, at some time on or after the date of transfer, of the register or other record of the holders of the securities in question, those persons shall be ascertained by reference to the state of that register or other record immediately before the date of transfer.

(2) Where payments of interest or dividend on any securities of a body mentioned in the Third Schedule to this Act are guaranteed by another body mentioned in that Schedule, being a body to which the two last preceding sections apply, and the last payment of interest or dividend made before the date of transfer in respect of those securities was made in respect of a period ending before the date of transfer, the liability to pay interest or a dividend at the guaranteed rate (after deduction of income tax) in respect of the period beginning with the end of the period aforesaid and ending with the date of transfer shall pass to the Commission:

Provided that the sum for which the Commission becomes liable shall not exceed the sum which the body liable under

PART II.
—cont.

the guarantee would have been required and able to pay but for the provisions of the four last preceding sections.

(3) Where, before the date of transfer, there has become due from any body the whole of whose undertaking is vested in the Commission under the preceding provisions of this Part of this Act any payment by way of interest, dividend or annuity, or any payment by way of the redemption of any security, and, by reason only that it was not possible to discover the person entitled thereto, or that the title to the payment had not been established or that a cheque or warrant issued for the purpose of effecting the payment had not been encashed, that payment was not made before the date of transfer, the liability in respect of that payment shall pass to the Commission.

Income tax
provisions as
to payments
under two last
preceding
sections.

23.—(1) The provisions of this section shall be construed as one with the Income Tax Acts.

(2) The gross amounts of any payments in a distribution made under paragraph (d) of subsection (1) of section twenty-one of this Act shall be deemed to be income for all the purposes of the Income Tax Acts, and the body making the payments shall deduct income tax therefrom at the standard rate for the year in which the payments become due.

(3) Any amounts deducted in respect of income tax from any payments made under paragraph (b) or paragraph (d) of the said subsection (1) shall, notwithstanding anything in the Income Tax Acts, be paid over to the Commission for their own use and benefit.

(4) The gross amount of any payment made by the Commission to the holders of any securities of a body mentioned in the Third Schedule to this Act in respect of interest or a dividend payment of which was guaranteed by another such body shall be deemed to be income for all the purposes of the Income Tax Acts.

(5) If—

- (a) the gross amounts of the payments of any interest of money, annuity or other annual payment charged with tax under Schedule D made by a body mentioned in the Third Schedule to this Act in the years 1945-46, 1946-47, and 1947-48; plus
- (b) the gross amounts of any other payments made by the body under paragraph (b) of subsection (1) of the said section twenty-one, not being payments of dividend; plus
- (c) the gross amounts of any payments made by the body under paragraph (d) of subsection (1) of the said section twenty-one in respect of securities bearing interest; plus

(d) the gross amounts of any payments made by the Commission by virtue of the last preceding section, other than payments made by virtue only of subsection (3) thereof and other than such permitted interest and fixed rate payments as are payments of dividend,

PART II.

—cont.

together exceed—

- (i) the total income of the body for the said years; plus
- (ii) the total of the assessments made for the said years under Rule 21 of the General Rules in respect of payments made by the body,

the said Rule 21 shall have effect as if a payment of a gross amount equal to the excess had been made by the Commission, as if that payment were a payment of interest of money charged with tax under Schedule D not payable out of profits or gains brought into charge to tax and as if the Commission had deducted tax at the appropriate rates in making that payment.

In this subsection, the expression “ the appropriate rates ” means the rates which were applied in making deductions of income tax from the payments referred to in paragraphs (b), (c) and (d) of this subsection, the lowest rate being taken first and applied to an amount of the excess equal to the amount to which it was applied as aforesaid, and then so with the next lowest rate, and so on.

(6) Any reference in this section or in the said section twenty-one to the gross amount of any payment shall be construed as a reference to the amount of that payment before any deduction is made therefrom in respect of income tax.

24.—(1) Where any body the whole of whose undertaking is vested in the Commission under the preceding provisions of this Part of this Act have, in accordance with those provisions, collected and distributed any moneys receivable by them in respect of any agreement disclaimed by the Commission (including the appropriate proportion of any moneys received by any joint committee or joint body from any person in respect of any agreement of that joint committee or joint body which is disclaimed by the Commission) and distributed any moneys paid to them by the Commission and complied with any directions given to them by the Commission for the purpose of securing that the ownership of any property or any right is effectively transferred to the Commission and ascertained that the Commission do not desire to give to them any further such directions, the body shall notify the Board of Trade; and if the Board of Trade are satisfied in the case of any such body (whether any such notice has been given by

Winding up
of railway
and canal
undertakers.

PART II.
—*cont.*

them or not) that the said moneys, if any, have been so dealt with, and that any directions given as aforesaid have been complied with and that the Commission do not desire to give any further such directions, the Board of Trade shall give a certificate that there is no reason for the continued existence of the body and shall cause the certificate to be published in the London Gazette, and upon the publication thereof the body shall be dissolved.

(2) During the period beginning with the date of transfer and ending with the dissolution of the body, the statutory provisions and other documents relating to any such body as aforesaid shall remain in force in relation thereto as if this Act had not passed so far as the powers conferred thereby are required for the remaining purposes of the body:

Provided that—

- (i) it shall not be obligatory to fill any vacancy in the directors but the remaining directors may continue to exercise all the powers of the directors up to the time of the dissolution;
- (ii) notwithstanding any statutory or other provision it shall not be obligatory for a general meeting of the proprietors of the body to be held during the said period;
- (iii) the directors may convene any general meeting of the proprietors of the body and for that purpose the proprietors on the register of the holders of securities immediately before the date of transfer shall be deemed to be the proprietors of the body and to be the holders of securities of the body of the same amounts as those then shown in that register;
- (iv) any director, auditor or member of an audit committee may continue to hold office or be elected or appointed thereto at any time during the said period notwithstanding (a) the expiration on or after the date of transfer of the term for which before that date he was elected or appointed and (b) that by reason of the vesting of the undertaking of the body in the Commission under the provisions of this Act he is not the holder of an amount of a security of the body which before the date of transfer he would have been required to hold for the purpose of qualifying him for that office.

(3) All expenses (including any rents, rates, taxes and other outgoings in respect of any offices) certified by an auditor appointed, after consultation with the Commission and the body concerned, by the Minister to have been properly incurred by any such body as aforesaid after the date of transfer shall be defrayed by the Commission, and the Commission shall make available to the body such facilities for the

examination of and the making of extracts from or copies of books, accounts and documents surrendered to the Commission as the body may reasonably require, and the Commission shall make available to the body the services of such officers and servants, on such terms and conditions, and for such period, as may be agreed between the Commission and the body or failing agreement as may be determined by the Minister, and the remuneration of those officers and servants shall be defrayed by the Commission.

(4) The Commission shall pay to the directors of any such body as aforesaid such remuneration for any services rendered by the directors to the body after the date of transfer as may be agreed between the Commission and the directors or, failing agreement, as may be determined by the auditor mentioned in the last preceding subsection to be reasonable having regard to all the circumstances.

(5) Any appointment of a receiver, a manager or a receiver and manager in force in respect of the undertaking of any such body as aforesaid immediately before the date of transfer shall, by virtue of this Act, then cease to have effect.

25.—(1) Where a body specified in the Third Schedule to this Act are a local authority, the following provisions of this section shall have effect.

Application of preceding provisions to local authorities.

(2) Only the undertaking which was under the control of the Minister under Regulation sixty-nine of the Defence (General) Regulations, 1939, shall vest by virtue of this Act in the Commission, and the provisions of this Part of this Act relating to the effect of the vesting of undertakings and to the disclaimer of agreements shall have effect, and have effect only, in respect of property held or used by the authority for the purposes of that undertaking and rights, liabilities, agreements, statutory provisions, documents, legal proceedings and applications of, referring to, by and against the authority which either were wholly or mainly held or used or were acquired or incurred for the purposes of, or relate to, that undertaking.

(3) The Commission shall not, by virtue of any of the preceding provisions of this Part of this Act, come under any liability, or have any rights or powers, in respect of any securities of the local authority or any sinking fund established for the redemption of any such securities, but the Commission shall, as consideration for the vesting in them of the undertaking and (subject to the provisions of section one hundred and fourteen of this Act) in lieu of any other compensation in respect of the vesting make to the authority the payments mentioned in the next two succeeding subsections.

PART II.
—cont.

(4) Where the authority have, by the issue of securities, raised money wholly or partly for the purposes of the undertaking or have advanced money for those purposes out of any consolidated loans fund or mortgage loans pool established by them or out of any other moneys held by them, and, in pursuance of the arrangements in force immediately before the date of transfer for the redemption of the loan and the payment of interest thereon or, as the case may be, for the repayment of the advance and the payment of interest thereon, any amounts would, but for the vesting of the undertaking in the Commission, have fallen, on or after the date of transfer, to be debited in the accounts of the undertaking, the Commission shall, subject to the provisions of this section, pay those amounts to the authority at the times at which, but for the vesting, those amounts would have fallen to be debited in the accounts of the undertaking.

(5) Where the authority have before the date of transfer made arrangements for the making of financial adjustments, as between the accounts of the undertaking and any other account kept by the authority, in respect of any other transaction or matter affecting both the undertaking and other activities of the authority, and in pursuance of those arrangements any amounts would, but for the vesting of the undertaking in the Commission, have fallen, on or after the date of transfer, to be debited or credited in the accounts of the undertaking and credited, or, as the case may be, debited in some other account of the authority, the Commission shall, subject to the provisions of this section, pay those amounts to the authority or be entitled to receive those amounts from the authority, as the case may be, at the times at which, but for the vesting, those amounts would have fallen to be debited or credited in the accounts of the undertaking:

Provided that this subsection shall not apply in relation to any apportionment of the establishment charges of the authority between the accounts of the undertaking and other accounts of the authority.

(6) The Commission and the authority may agree or the Minister of Health may, on the application of the Commission or the authority in default of such agreement, determine that, having regard to the circumstances in which any such arrangements were made and the circumstances arising under this Act, the last preceding subsection shall not apply to those arrangements or shall apply thereto with such modifications as to the payments to be made by the Commission or the authority as may be so agreed or determined, and the said subsection shall have effect subject to any such agreement or determination.

Any other question arising under either of the two last preceding subsections as to the payments to be made thereunder shall, in default of agreement, be determined by the Minister of Health.

PART II.
—cont.

(7) Any payment made by the Commission or the authority under the preceding provisions of this section which would, but for the vesting of the undertaking in the Commission, have been debited or credited as a capital payment, shall be deemed to be a capital payment, and any other such payment shall be deemed to be an annual payment.

(8) Notwithstanding anything in any statutory provision, the authority shall not be entitled to any profit or be required to bear any loss arising in the carrying on by the Commission on or after the date of transfer of the part of the Commission's undertaking corresponding to the undertaking of the authority.

(9) So much of any of the preceding provisions of this Part of this Act or of any provision of the Fifth Schedule to this Act as operates in relation to securities of a body mentioned in the Third Schedule to this Act held by another such body or in relation to any interest in any securities of any such body belonging to another such body shall not apply in relation to securities held by the authority or, as the case may be, in relation to any interest belonging to the authority, unless the securities or, as the case may be, the interest were or was acquired by the authority in connection with the undertaking which vests in the Commission.

(10) Save as aforesaid, nothing in the preceding provisions of this Part of this Act shall apply in relation to the authority or the undertaking thereof

26.—(1) The orders in force at the passing of this Act under Regulation sixty-nine of the Defence (General) Regulations, 1939, shall, so far as they relate to the undertakings or portions of undertakings wholly owned by, leased to or operated by one or more of the bodies of persons specified in the Third Schedule to this Act, continue in force until the date of transfer and shall then cease to have effect.

Carrying on of
undertakings
till date of
transfer.

(2) Until the date of transfer the bodies specified in the Third Schedule to this Act shall carry on the undertakings which are to vest in the Commission in the ordinary course of business and maintain them in as efficient a condition as theretofore, and shall not, without the previous consent in writing of the Minister given either generally or specially (which they shall apply for if it is necessary for the purposes aforesaid)—

(a) sell, dispose of, or let for a longer period than one year, any of their lands, or sell or dispose of any of their investments; or

PART II.
—cont.

- (b) apply any of their depreciation, renewal or other funds otherwise than for the purposes for which those funds were used respectively up to the twenty-eighth day of November, nineteen hundred and forty-six; or
- (c) enter into any contract of any kind extending beyond the period of one year; or
- (d) borrow any money or issue any securities; or
- (e) undertake any project involving the construction of new works if the estimated cost of carrying out the project exceeds, in the case of an amalgamated company or the London Passenger Transport Board, the sum of fifty thousand pounds, and, in any other case, the sum of five thousand pounds:

Provided that, in relation to any of the said bodies who are a local authority, the preceding provisions of this subsection shall apply only in relation to lands, investments and funds held, contracts made, money borrowed or raised or works undertaken for the purposes of the undertaking which vests in the Commission.

(3) If the Commission suffer damage by reason of any contravention by any body of the provisions of subsection (2) of this section, the amount of the damage shall, in the case of a body to which a sum is payable under the preceding provisions of this Part of this Act in respect of the final period, be deducted from the sum so payable, and, in the case of any other body, be paid by the body to the Commission:

Provided that where the body is a joint committee or joint body the members of which are, or are representatives of, bodies to which a sum is payable as aforesaid, the amount of the damage shall not be paid by the joint committee or the joint body but the appropriate proportions thereof shall be deducted from the sums so payable to the other bodies respectively.

Closing of
accounts
under control
agreement.

27.—(1) None of the pool accounts provided for by paragraph (1) of Article 17 of the agreement made under the Railways Agreement (Powers) Order, 1941, shall be made up and the provisional four-weekly settlements and payments made or to be made under paragraph (2) of that Article and any other provisional payments made before the date of transfer shall be final.

(2) Subsection (1) of this section shall, with the necessary adaptations, apply in relation to the net revenue account and provisional settlements and payments provided for by the

provisions corresponding to the said Article 17 contained in the agreements made in pursuance of the Canals Agreement (Powers) Order, 1944, with certain of the bodies specified in the Third Schedule to this Act, as it applies in relation to the said pool accounts and the said provisional four-weekly settlements and payments:

PART II.
—cont.

Provided that this subsection shall not apply in relation to any agreement made with a local authority.

(3) As soon as may be after the date of transfer any Trust Funds set up under Article 19 of the agreement made under the Railways Agreement (Powers) Order, 1941, in respect of any of the bodies specified in the said Third Schedule shall be wound up and—

- (a) any moneys which, but for the provisions of this subsection, would have fallen to be dealt with under Article 21 of that agreement shall, instead of being so dealt with, be paid to the Commission; and
- (b) none of the provisions of Articles 21 and 22 thereof shall apply,

and, on compliance with the requirements of this subsection, the trustees shall be discharged from the trusts.

(4) As soon as may be after the date of transfer, any Arrears of Maintenance Account kept by the Minister in pursuance of any Article of an agreement with any of the bodies specified in the said Third Schedule made under the Canals Agreement (Powers) Order, 1944, being an Article corresponding to Article 15 of the form of agreement annexed to that Order, shall be closed and any credit balance remaining in the account shall, instead of being dealt with in the manner specified in the Article corresponding to Article 17 of the said form of agreement, be paid by the Minister to the Commission.

28. All property, rights, powers and liabilities held, enjoyed or incurred by the Minister as successor to the Commissioners of the Caledonian Canal shall, on the appointed day, become property, rights, powers and liabilities of the Commission. The Caledonian and Crinan Canals.

Railway wagons.

29. Where, immediately before the date of transfer, any privately owned railway wagon is under requisition by virtue of an exercise of the powers in that behalf conferred by Regulation 53 of the Defence (General) Regulations, 1939— Transfer to Commission of privately-owned railway wagons.

- (a) the property in that wagon shall vest in the Commission on the date of transfer, free from any mortgage or other like incumbrance, and the requisition shall then cease; and

PART II.
—cont.

- (b) the Crown shall not be liable for any compensation under the Compensation (Defence) Act, 1939, or otherwise in respect of any damage to the wagon occurring during the period of requisition.

Compensation
for acquisition
of wagons.

30.—(1) Where under the last preceding section the property in any wagon vests in the Commission, the Commission shall, subject to the provisions of the three next succeeding subsections, pay as compensation in respect thereof an amount determined, by reference to the type of wagon and the year in which the wagon was first built, in accordance with the Table set out in the Sixth Schedule to this Act.

(2) Where—

- (a) a wagon, not being a 21-ton hopper wagon, was built after the year nineteen hundred and forty-six; or
(b) a wagon, being a 21-ton hopper wagon, was built after the year nineteen hundred and forty-four; or
(c) the Minister is satisfied that a wagon is of a special type not mentioned in the said Sixth Schedule,

the amount payable as compensation in respect thereof shall be determined by the Minister, and in making his determination he shall have regard to the amount payable as compensation in accordance with the said Sixth Schedule in respect of a wagon of the type, and first built in the year, most nearly comparable to the type and year of building of the first mentioned wagon.

(3) Where a wagon, not being a 21-ton hopper wagon, has been built with specially high sides or with rails for the purpose of carrying coke, the amount payable as compensation in respect thereof shown in the said Sixth Schedule shall be increased by six per cent.

(4) Where it is established by the owner of a wagon that the wagon has been rebuilt, the amount payable as compensation in respect thereof shall be three-quarters of the amount which would have been so payable if the wagon had been first built in the year in which it was rebuilt.

(5) For the purposes of this section, a wagon shall be deemed to have been rebuilt if and only if it bears a plate attached thereto in pursuance of the regulations of the Railway Clearing House with respect to the repairing and rebuilding of wagons which indicates that it has been rebuilt in accordance with the relevant requirements of those regulations.

(6) No compensation, other than that payable under this section, shall be payable in respect of the vesting, under the last preceding section, of the property in any wagon in the Commission.

31.—(1) Subject to the provisions of this section, the compensation payable by the Commission in respect of a privately-owned wagon vesting in them on the date of transfer shall be paid to the person who, immediately before the date of transfer, was the owner of the wagon. PART II.
—cont.
Recipient of
compensation.

(2) Where, immediately before the date of transfer, the wagon was the subject of a hire purchase agreement, the hirer may, by notice given in such form and in such manner and within such time as may be prescribed, make a claim to have apportioned to him such part of the compensation payable to the owner as may be specified in his claim, and where such a notice is given the extent, if any, to which effect is given to the claim shall be such as may, in default of agreement between the owner and the hirer, be determined by the arbitration tribunal established under Part VIII of this Act.

(3) Where, immediately before the date of transfer, the wagon was the subject of any mortgage or other like incumbrance (other than a floating charge which will attach to the compensation), the compensation in respect of the wagon shall be paid to the incumbrancer:

Provided that—

- (a) this subsection shall not apply to any mortgage or other like incumbrance unless it is registered as a bill of sale or is registered under Part III of the Companies Act, 1929, or the Commission obtains possession of the wagon from the incumbrancer; 19 & 20 Geo. 5.
c. 23.
- (b) if, at the time when the compensation is paid, the debt secured by a mortgage or other like incumbrance has been paid in full, the compensation shall be paid as if the wagon had not been subject to that mortgage or incumbrance;
- (c) if the wagon was subject to two or more mortgages or other like incumbrances to which this subsection applies, the compensation shall, subject to the provisions of the last preceding paragraph of this proviso, be paid to the incumbrancer whose mortgage or other incumbrance has priority; and
- (d) in any case, this subsection shall have effect, as regards any mortgage or other like incumbrance to which this subsection applies, subject to any agreement between the incumbrancer and the person to whom apart from that mortgage or other incumbrance the compensation would have fallen to be paid.

PART II.
—cont.

(4) Where a payment is made to an incumbrancer under the last preceding subsection (whether satisfied by the issue of British transport stock or made in cash) the incumbrancer shall be liable to account as if the amount paid to him or the amount represented by the stock, as the case may be, had accrued to him as proceeds of sale of the wagon in question arising under a power of sale exercised by him immediately before the date of transfer; and the incumbrancer shall be under the like obligation to obtain the full amount of any payment falling to be made to him under the last preceding subsection as he would have been if he had been obtaining that amount by means of the exercise of such a power of sale.

Mode of
satisfaction
of compen-
sation.

32.—(1) The amount payable by way of compensation in respect of a wagon the property in which vests in the Commission on the date of transfer shall be satisfied in the manner provided by Part VI of this Act by the issue to the person entitled thereto of British transport stock:

Provided that where the total amount of the compensation payable by the Commission to any one person in respect of his interest in all wagons so vesting (including any compensation payable to him as an incumbrancer and any compensation payable to him under subsection (2) of the last preceding section) does not exceed two thousand pounds, he may, by notice in writing to the Commission given within the prescribed time, require that the Commission shall pay the said amount in cash and it shall be paid in cash accordingly.

(2) Where the compensation payable to any person in respect of a wagon is satisfied by the issue of British transport stock interest on which begins to accrue as from a date later than the date of transfer, the Commission shall pay to him interest on the amount of the compensation, at such rates as the Treasury may determine, from the date of transfer until the date on which the interest on the said stock begins to accrue.

(3) Where the compensation payable to any person in respect of a wagon is satisfied in cash, the Commission shall pay to him interest on the amount of the compensation, at such rates as the Treasury may determine, from the date of transfer until the date of payment.

(4) The Commission may from time to time make payments to any person on account of any interest which the Commission estimate will become payable to him under this section.

Restriction
of use of
privately-
owned wagons
on Com-
mission's lines.

33.—(1) On and after the date of transfer, no privately-owned railway wagon shall be used on any of the railways in Great Britain owned or operated by the Commission and the provisions of this section shall have effect notwithstanding any statutory provision:

Provided that—

PART II.

—cont.

- (a) this subsection shall not apply to railway wagons of the classes mentioned in the Seventh Schedule to this Act;
- (b) the Minister may by regulations exclude from the operation of this subsection wagons specially set apart for any traffic specified in the regulations, being traffic which in his opinion renders or is likely to render the wagons used therefor unsuitable for other traffic, and wagons of any class so specified, being wagons which, by reason of their construction or internal fittings, should, in his opinion, be treated as specially constructed wagons;
- (c) the Commission may, if in the special circumstances of any particular case they think fit so to do, allow any privately-owned railway wagon to which this subsection applies to be used, for such period as they think fit to allow, on any of the said railways notwithstanding the provisions of this subsection.

(2) Where the property in the railway wagons of traders belonging to any class has vested in the Commission under this Part of this Act, the reasonable facilities which, under section two of the Railway and Canal Traffic Act, 1854, are to be afforded by the Commission shall include the provision of suitable railway wagons for the use of traders of that class.

Miscellaneous.

34.—(1) As respects the quinquennial period, as defined in the Railways (Valuation for Rating) Act, 1930, which begins in April, nineteen hundred and fifty-one, and every subsequent quinquennial period as so defined, the said Act shall, with such adaptations and modifications as may be specified by regulations to be made by the Minister of Health and the Secretary of State, acting jointly, apply in relation to the Commission as if they were a railway company to which that Act applied and as if the references in that Act to the undertaking of a railway company were, in relation to the Commission, references to the aggregate of the parts of the undertaking of the Commission which respectively represent—

Valuation
for rating.
20 & 21 Geo. 5.
c. 24.

- (a) the undertakings of the amalgamated companies;
- (b) the transport undertaking of the London Passenger Transport Board;
- (c) the undertaking of any railway company to which that Act was applied before the date of transfer by a scheme submitted and approved in accordance with the provisions contained in the First Schedule to that Act; and

PART II.
—cont.

(d) any other undertaking specified in a scheme submitted and approved after the date of transfer in accordance with a scheme made under the provisions of the said First Schedule as modified by the said regulations.

(2) In paragraphs (a), (c) and (d) of subsection (1) of this section the expression "undertaking" has the meaning assigned to it by subsection (3) of section one of the Railways (Valuation for Rating) Act, 1930, and in paragraph (b) of the said subsection (1) the expression "transport undertaking" has the same meaning as in the London Passenger Transport (Valuation for Rating) Scheme, 1935.

(3) As respects the quinquennial period preceding that which begins in April, nineteen hundred and fifty-one, nothing in this section shall affect the operation, in relation to the parts of the undertaking of the Commission which respectively represent the undertakings mentioned in paragraphs (a) to (c) of subsection (1) of this section, of the Railways (Valuation for Rating) Act, 1930, as modified by the preceding provisions of this Part of this Act, and of the Railways (Valuation for Rating) Act, 1946, as so modified.

9 & 10 Geo. 6.
c. 61.

Commission's
licensing
powers as
to inland
waterways.

35.—(1) The Commission may, by notice in writing published in the prescribed manner, direct that, after such date (not being less than three months from the date on which the notice is published) as may be specified in the notice, the whole or any specified part of any inland waterway in Great Britain which is vested in them, or which they have any right or duty to maintain, shall not be used for the carriage of goods for reward by any person except under and in accordance with the conditions of a licence granted by the Commission.

(2) Subject to the provisions of subsection (3) of this section, any such licence may be granted by the Commission for such period and subject to such conditions (including conditions as to the charges to be made for the carriage by the holder of the licence) as the Commission think fit and may at any time be revoked by the Commission:

Provided that the Commission shall not unless, in their opinion, it is expedient so to do with a view to securing the better use of the inland waterway in question in the national interest or the economical improvement, maintenance or management thereof, either—

- (a) refuse or revoke a licence under this section or impose any conditions thereon; or
- (b) without the consent of the applicant, grant any licence for a period of less than seven years.

(3) If any person being the applicant for or the holder of any such licence is aggrieved by any determination of the Commission as respects the grant or revocation of the licence or the conditions to be attached thereto, he may appeal to the Transport Tribunal, and the tribunal shall make such order as to the grant or revocation of the licence or the conditions which are to be imposed thereon as they think just and proper in all the circumstances, and the Commission shall give effect to their order.

PART II.
—cont.

(4) If, while a direction is in force under this section with respect to an inland waterway, any person carries any goods on that inland waterway in any vessel in such circumstances that a licence is necessary under this section and he does so otherwise than under and in accordance with such a licence, he shall be liable on summary conviction to a fine not exceeding ten pounds, and, if the contravention in respect of which he is so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding ten pounds for each day on which the contravention is so continued.

(5) For the purposes of this section—

- (a) the carriage of goods of a holding company by a subsidiary thereof, or the carriage of goods of such a subsidiary by another such subsidiary or by the holding company; or
- (b) the delivery or collection by a person of goods sold or used in the course of a trade or business carried on by him; or
- (c) the delivery or collection by a person of goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by him,

shall not be deemed to be the carriage of goods for reward.

In this subsection, the expression “holding company” means a company which is the beneficial owner of not less than ninety per cent. of the issued share capital of another company, and the expression “subsidiary” in relation to a holding company, means a company not less than ninety per cent. of the issued share capital of which is in the beneficial ownership of the holding company.

Where a subsidiary (as hereinbefore defined) is the beneficial owner of any shares of another company, those shares shall be treated for the purposes of the foregoing definitions as if they were in the beneficial ownership of the holding company.

PART II.

—*cont.*

Right to
require
acquisition by
Commission
of canal carrier
undertakings.

36.—(1) Where—

- (a) a person who, on the twenty-eighth day of November nineteen hundred and forty-six, was carrying on a canal carrier undertaking on an inland waterway (hereinafter in this section referred to as "the appellant") appeals to the Transport Tribunal under subsection (3) of the last preceding section from a determination of the Commission in relation to the use of that waterway; and
- (b) the tribunal refuse, either in whole or in part, to do by their order what is asked for by the appellant on that appeal; and
- (c) the tribunal are satisfied that their refusal will involve substantial interference with the carrying on by the appellant of some activity which he was carrying on before the said twenty-eighth day of November and which he has, up to the time of the determination which was the subject of the appeal, continued to carry on with only such intermissions, if any, as are incidental to the nature of the activity,

the tribunal may, on the application of the appellant, declare that the undertaking of the appellant, or some part thereof specified in the declaration, is to be transferred to the Commission.

(2) Where a declaration is made under the last preceding subsection and at the expiration of six months from the making thereof no agreement has been entered into between the appellant and the Commission for the acquisition by agreement by the Commission of the undertaking or of the part of the undertaking specified in the declaration, the appellant may apply to the Minister for an order giving effect to the transfer required by the declaration and the Minister shall make an order accordingly:

Provided that the Minister may permit such an application to be made before the expiration of the said six months if he is satisfied that there is no reasonable prospect of the transfer being effected by agreement.

(3) Any such order shall apply to the transfer, with such exceptions and subject to such modifications as may be specified in the order, the provisions of this Act relating to transfers of undertakings or parts of undertakings under Part III of this Act, including provisions as to compensation:

Provided that before making the order the Minister shall give the Commission and the appellant an opportunity of being heard before a person appointed by the Minister for the purpose, and shall consider the report of the person so appointed.

(4) If the Commission and the appellant so agree, any such order may effect a transfer of a part only of the undertaking notwithstanding that the declaration related to the whole of the undertaking, or of the whole of the undertaking notwithstanding that the declaration related to part only thereof, or of a part of the undertaking not identical with the part of the undertaking specified in the declaration.

PART II.
—cont.

37.—(1) Where the Commission make an application to the Minister under section forty-five of the Railway and Canal Traffic Act, 1888 (which relates to the abandonment of canals) in respect of any canal or part of a canal belonging to them, and the application is made on the ground that the canal or part of a canal is unnecessary for the purposes of public navigation, subsection (2) of that section shall not have effect, but a warrant of abandonment shall not be granted unless the Minister is satisfied—

Abandonment
of unnecessary
canals.
51 & 52 Vict.
c. 25.

- (a) that the canal or part of a canal is unnecessary for the purposes of public navigation; and
- (b) that such public and other notices of the application (including notices prescribing the time within which objection to the granting of the warrant may be made) have been given as the Minister may require.

(2) Where a warrant of abandonment has been granted on the application of the Commission on the ground that the canal or part of a canal is unnecessary for the purposes of public navigation, the Commission shall pay to any person who suffers damage by reason of the abandonment such compensation as may be fair, but save as aforesaid no compensation shall be payable in respect of the abandonment:

Provided that no compensation shall be payable as aforesaid to any person unless within the prescribed time from the publication of the notice referred to in paragraph (b) of subsection (1) of this section he has given to the Commission notice in writing of his desire to claim compensation, and the notice referred to in the said paragraph (b) shall contain such information as to the rights conferred by this subsection as the Minister may require.

(3) Any dispute as to whether any and if so what compensation is payable to any person under this section shall be determined by arbitration.

(4) The Minister may in any order in respect of a canal or part of a canal belonging to the Commission made under subsection (1) of the said section forty-five authorise the use of the abandoned canal or part of a canal, or of the site thereof, for purposes other than navigation.

PART II.
—*cont.*
Schemes as to
Railway
Clearing
House.

38.—(1) The Commission may prepare and submit to the Minister a scheme as to the property, rights, powers and liabilities of the Railway Clearing House and any such scheme may provide for all or any of the following matters, that is to say;

- (a) for transferring all or any of the said property, rights, powers and liabilities to the Commission or to such other body as may be constituted or specified by the scheme;
- (b) for dissolving or altering the constitution of the Railway Clearing House;
- (c) for incorporating, with or without modifications, in relation to any body to whom any such transfer is made as is mentioned in paragraph (a) of this subsection, all or any of the provisions of this Act relating to borrowing or the issue of stock, including the provisions thereof relating to guarantees by the Treasury;
- (d) for incorporating, with or without modifications, in relation to any such transfer as aforesaid any of the provisions of this Act relating to the transfer of undertakings or parts of undertakings to the Commission;
- (e) for repealing or amending any previous scheme in force under this section;
- (f) for making such other consequential or incidental provisions as appear necessary or expedient for the purposes of the scheme, including provisions for repealing or amending any statutory provision relating to the Railway Clearing House or the railway clearing system.

(2) A scheme under this section shall not take effect until embodied in an order made by the Minister in accordance with the provisions of the Eighth Schedule to this Act, and the date on which it takes effect shall be such date as may be specified in the order:

Provided that where an objection is made in accordance with the said Schedule to the making of the order and is not withdrawn before the making thereof, the order shall be subject to special parliamentary procedure.

(3) The Minister may direct the Commission to prepare and submit a scheme under this section and the Commission shall give effect to any such direction.

(4) Unless and until otherwise provided by a scheme under this section nothing in this Act shall have effect and no regulations shall be made under this Act which would have effect in such a way as to repeal, amend or affect the operation of the Railway Clearing Act, 1850, the Railway Clearing House Extension Act, 1874, the Railway Clearing Committee Incorporation Act, 1897, or the Railway Clearing House Scheme,

13 & 14 Vict.
c. xxxiii.
37 Vict. c. xvi.
60 & 61 Vict.
c. cxvi.

1922 (which Acts and Scheme are together in this section referred to as "the Railway Clearing House Acts"), or prejudice the undertaking of the Railway Clearing House:

PART II.
—cont.

Provided that—

- (a) the right possessed under the Railway Clearing House Acts by each of the bodies mentioned in Part I of the Third Schedule to this Act which is party to the clearing system to be represented on the body of delegates of the Railway Clearing House by a delegate or delegates appointed by the board of directors of such body shall after the date of transfer be exercisable by the Commission by the appointment of a delegate or delegates to the same number as such board of directors was entitled under the Railway Clearing House Acts immediately before the date of transfer to appoint;
- (b) without prejudice to the power of appointment given to the Commission under the last preceding proviso each of the delegates duly appointed and in office immediately before the date of transfer as a representative of any of the said bodies shall continue in office until he resigns or the Commission appoint a new delegate to replace him; and
- (c) as from the date of transfer the delegates, including the chairman of the body of delegates, shall be remunerated at a rate or rates to be determined by the Commission.

(5) If a scheme submitted to the Minister under this section for the dissolution of the Railway Clearing House is to take effect before the whole of the Railway Clearing House (Railway Freight Rebates Fund) Redeemable $2\frac{1}{2}$ per cent. stock 1937-52 (issued in pursuance of powers conferred by section sixty-eight of and the Eleventh Schedule to the Local Government Act, 1929, and the Railway Freight Rebates Act, 1936, 19 & 20 Geo. 5. c. 17. and in this section referred to as "the Rebates Stock") has 1 Edw. 8 & 1 Geo. 6. c. 2. been purchased or redeemed and cancelled by the Railway Clearing House, such scheme shall provide that the principal of and the interest on any amount of the Rebates Stock outstanding immediately before the date of the coming into operation of such scheme shall as from that date become a liability of the Commission, and all sums payable by the Commission for interest or repayment of principal or into any sinking fund for repayment of principal in respect of the Rebates Stock shall be paid out of the revenue of the Commission and shall have the same priority as payment of rates over other payments thereout to the extent of any relief from rates provided for by any Act.

PART III.

TRANSPORT OF GOODS BY ROAD.

Acquisition of certain undertakings by the Commission.

Certain road
transport
undertakings
to be
acquired by
Commission.

39.—(1) Where the Commission are of opinion with respect to an undertaking the activities of which consist wholly or partly of the operation of any vehicles authorised to be used under any A licence or B licence—

- (a) that the undertaking or any part thereof was carried on (whether by the same person or not) during the whole or any part of the year nineteen hundred and forty-six; and
- (b) that the activities of the undertaking in that year, so far as they consisted of the carriage of goods in goods vehicles (being vehicles with respect to which a licence, of whatever class, was in force), consisted to a predominant extent of ordinary long distance carriage for hire or reward,

it shall be the duty of the Commission to give, in accordance with the subsequent provisions of this Part of this Act, a notice of acquisition with respect to the undertaking:

Provided that if the Commission, having due regard to their duties under subsection (1) of section three of this Act, are of the opinion that, by reason of the special character of an undertaking which fulfils the aforementioned conditions, or by reason of the goods carried or the locality served by that undertaking, it is expedient to make an exception in that case, the Commission may enter into an agreement with the person carrying on that undertaking that, subject to such conditions, if any, as may be specified in the agreement, a notice of acquisition shall not be given with respect thereto or, as the case may be, that, subject to such conditions, if any, as may be specified in the agreement, a notice of acquisition duly given shall be withdrawn; and where any such agreement is concluded, the Commission shall be released from their duty under this subsection to give a notice of acquisition with respect to that undertaking, but may, if they think fit, give such a notice in the event of any breach of the conditions specified in the agreement, and any notice of acquisition so given shall have effect as if no such agreement had been entered into.

(2) In this Part of this Act, the expression “ ordinary long distance carriage ” means, in relation to an undertaking, the

PART III.

—cont.

carriage of goods by the person carrying on the undertaking for a distance of forty miles or upwards in one goods vehicle or a succession of goods vehicles, in such circumstances that the vehicle, or, as the case may be, one or more of the vehicles, is, at some time during the carriage, more than twenty-five miles from its operating centre :

Provided that the carriage of liquids carried in bulk in a tank permanently fixed to the vehicle, or in a tank not so fixed of which the capacity is not less than five hundred gallons, the carriage of goods of a special character which, under any statutory provision specifically relating thereto, may only be carried in a vehicle constructed or adapted so as to comply with the requirements of that provision and which are being so carried, ordinary furniture removals, the carriage of meat, the carriage of livestock, the carriage of felled timber in a vehicle specially constructed for the purposes of such carriage, any carriage effected wholly in vehicles specially constructed to carry abnormal indivisible loads and the carriage, in a vehicle in which no other goods are being carried for hire or reward, of apparatus or equipment ancillary to the operation, for the purposes of the carriage of such loads, of such a specially constructed vehicle shall not be treated as ordinary long distance carriage.

(3) The distance of forty miles mentioned in subsection (2) of this section shall, notwithstanding anything in section thirty-four of the Interpretation Act, 1889, be measured along the route actually taken by the vehicle or vehicles in question. ^{52 & 53 Vict. c. 63.}

40.—(1) A notice of acquisition given by the Commission ^{Notices of]} with respect to an undertaking shall be in writing and shall ^{acquisition.]} be served on the person carrying on the undertaking.

(2) If a person on whom a notice of acquisition has been served by the Commission with respect to an undertaking desires to contend that the undertaking is not one with respect to which the Commission are required or entitled to give a notice of acquisition under the last preceding section, he may by notice in writing served on the Commission require the Commission to withdraw their notice.

(3) Where the Commission receives such a notice as is referred to in subsection (2) of this section, they shall, if satisfied that the contention of the person carrying on the undertaking is correct, withdraw their notice, but in any other case the question whether or not the notice given by the Commission is to have effect shall, unless the owner of the undertaking withdraws his notice, be determined by the arbitration tribunal established under Part VIII of this Act.

PART III.
—*cont.*

(4) Where a person carrying on an undertaking with respect to which no notice of acquisition has been served by the Commission desires to contend that the undertaking is one with respect to which the Commission are required to give a notice of acquisition, he may by notice in writing served on the Commission require the Commission to serve a notice of acquisition in respect thereof and, if the Commission fail or refuse to serve such a notice, the question whether or not the Commission are to serve such a notice shall, unless the owner of the undertaking withdraws his notice, be determined by the arbitration tribunal established under Part VIII of this Act.

(5) A notice of acquisition, and any other notice given under this section, shall be served in the prescribed manner and within the prescribed time, and shall embody such particulars, if any, as to the grounds on which the notice is given, as may be prescribed.

Tests as to
whether
ordinary long
distance
carriage for
hire or reward
predominates.

41.—(1) For the purposes of any proceedings under the last preceding section before the arbitration tribunal established under Part VIII of this Act, the activities of an undertaking in the year nineteen hundred and forty-six, so far as they consisted in the carriage of goods in goods vehicles with respect to which A licences, B licences or C licences were in force, shall be deemed to have consisted to a predominant extent of ordinary long distance carriage for hire or reward if, and, save as is hereinafter provided in this subsection, only if, one or other of the following conditions was satisfied as respects the undertaking in that year, that is to say—

- (a) the total weight of the goods which were the subject of ordinary long distance carriage for hire or reward in the said goods vehicles exceeded half the total weight of all the goods carried in those vehicles; or
- (b) the receipts of the undertaking from ordinary long distance carriage for hire or reward exceeded half the total value to the undertaking of the services of the vehicles,

and the question whether the notice of acquisition to which the proceedings relate is to have effect, or, as the case may be, the question whether a notice of acquisition shall be served, shall be determined accordingly:

Provided that if the information available in any such proceedings is insufficient to enable the tribunal to conclude either that one or other of the said conditions was satisfied as aforesaid or that neither of the conditions was so satisfied, the tribunal shall determine that the activities of the undertaking

PART III.
—*cont.*

in the said year, so far as they consisted of the carriage of goods in goods vehicles in respect of which licences were in force, consisted to a predominant extent of ordinary long distance carriage for hire and reward, if it appears to the tribunal, from the information available in those proceedings, that those activities ought, in all the circumstances, properly to be regarded as having consisted to a predominant extent of such carriage.

(2) Where, in the year nineteen hundred and forty-six, goods were carried for hire or reward and the carriage thereof was charged for by weight but with a provision that, in particular circumstances, the weight thereof should be taken to be a weight calculated by reference to the volume thereof, the weight of those goods shall, in those circumstances, be taken for the purposes of paragraph (a) of subsection (1) of this section to have been a weight similarly calculated.

(3) Where in the year nineteen hundred and forty-six goods were carried for hire or reward and the carriage thereof was charged for by volume ascertained by means of calibration marks on a vehicle, stamped with a stamp of verification under section twenty-nine of the Weights and Measures Act, 1878, the weight of the goods shall be calculated for the purposes of paragraph (a) of the said subsection (1) at such ratio to the volume ascertained as aforesaid as is customary in relation to those goods in the appropriate trade or industry.

41 & 42 Vict.
c. 49.

(4) Where, in the year nineteen hundred and forty-six, goods were carried for hire or reward and the carriage thereof was charged for by volume, ascertained otherwise than by means of calibration marks on the vehicle, the weight of those goods shall be taken for the purposes of paragraph (a) of the said subsection (1) to have been one ton for every eighty cubic feet of the volume of the goods, and so proportionately for volumes which are not an exact multiple of eighty cubic feet.

(5) For the purposes of paragraph (b) of the said subsection (1), the total value to the undertaking of the services of the vehicles therein referred to shall be ascertained by adding together—

- (a) the receipts of the undertaking in respect of carriage for hire or reward in those vehicles; and
- (b) a sum in respect of goods carried therein otherwise than for hire or reward equal to the amount which it would have been reasonable for the person carrying on the undertaking to charge for the carriage thereof if he had been lawfully carrying them for hire or reward,

any carriage which could be effected without a licence being in force in respect of the vehicle being left out of account.

PART III.

—cont.

Application of preceding provisions to controlled undertakings and vehicles hired by the Minister.

42.—(1) Where, by virtue of a Road Haulage Organisation control agreement, the whole or any part of an undertaking the activities of which consist wholly or partly of the operation of any vehicles authorised to be used under any A licence or B licence was under the control of the Minister during any part of the year nineteen hundred and forty-six—

- (a) the person carrying on the undertaking may, if he thinks fit, require the Commission to serve a notice of acquisition with respect to the undertaking whether or not the conditions requisite under the preceding provisions of this Part of this Act, so far as they relate to the facts of the said year, are satisfied in relation to the undertaking, and the preceding provisions of this Part of this Act shall have effect in relation to any such requirement as if the said conditions were satisfied so far as they relate to the facts of that year; and
- (b) if he does not duly require the Commission to serve a notice of acquisition, the question whether the said conditions are satisfied shall be determined as if the undertaking had first begun to be carried on at the date when the agreement ceased to have effect.

(2) Where, at any time during the year nineteen hundred and forty-six, any of the goods vehicles used for the purposes of an undertaking were under hire to the Minister under any agreement incorporating, with or without modifications, the General Conditions of Hire of Goods Road Motor Vehicles, then, in determining whether the activities of the undertaking, so far as they consisted of the carriage of goods in goods vehicles with respect to which licences were in force, consisted to a predominant extent in ordinary long distance carriage for hire or reward, the last preceding section shall have effect in relation to the undertaking subject to the following modifications, that is to say either—

- (a) the undertaking shall be taken to have first begun to be carried on at the date when the agreements ceased to have effect; or
- (b) if the person carrying on the undertaking elects that this paragraph shall apply, paragraph (a) of subsection (1) of the last preceding section shall not apply and, for the purposes of paragraph (b) thereof, all vehicles which were at any time under hire under any such agreement shall, as respects any period for which they were under hire under the agreement, be treated as if all the goods carried therein were carried by way of ordinary long distance carriage for hire or reward, and all sums

paid by the Minister under any such agreement shall be treated as receipts of the undertaking from ordinary long distance carriage for hire or reward.

PART III.
—cont.

(3) In this section—

the expression “ a Road Haulage Organisation control agreement ” means an agreement for the control of the whole or any part of an undertaking, incorporating, with or without modifications, the memorandum of financial arrangements dated the second day of February, nineteen hundred and forty-three, which was issued on behalf of the Minister for the purposes of the Road Haulage Organisation brought into being in that year; and

the expression “ the General Conditions of Hire of Goods Road Motor Vehicles ” means the document issued on behalf of the Minister in the month of April, nineteen hundred and forty-three, in connection with the said Road Haulage Organisation, entitled “ The General Conditions of Hire of Goods Road Motor Vehicles (Long Distance Services) ”.

43.—(1) Where, on or after the twenty-eighth day of November, nineteen hundred and forty-six, an undertaking becomes, as the result of an acquisition or merger, part of another undertaking, and the conditions requisite under the preceding provisions of this Part of this Act for the giving of a notice of acquisition with respect to the first-mentioned undertaking are satisfied so far as they relate to the facts of the said year, the said conditions, so far as they relate to the said facts, shall be deemed to be satisfied with respect to the whole of the second mentioned undertaking and, in the case of subsequent acquisitions or mergers, with respect also to the whole of any other undertaking which indirectly represents the first mentioned undertaking:

Application of preceding provisions to mergers, etc.

Provided that where the first mentioned acquisition or merger took place before the end of the year nineteen hundred and forty-six, any reference in the preceding provisions of this Part of this Act to the year nineteen hundred and forty-six shall, in relation to the first mentioned undertaking, be treated as a reference to so much of that year as preceded the acquisition or merger.

(2) Where an undertaking which was being carried on immediately before the said twenty-eighth day of November directly or indirectly represented, as the result of an acquisition or merger or a series of acquisitions or mergers, other undertakings which were carried on in the said year, any reference in the preceding provisions of this Part of this Act to

PART III.
—*cont.*

an undertaking shall, so far as they relate to the facts of the said year, be construed, as respects that undertaking, as a reference to that undertaking and all the other undertakings which it represented as aforesaid, taken together.

**Date of
transfer under
notice of
acquisition.**

44.—(1) Every notice of acquisition shall specify a date (not being earlier than the prescribed time after the service of the notice) on which, subject to the provisions of this section, the transfer to be effected in pursuance of the notice is to take effect.

(2) Where under subsection (2) of section forty of this Act the person on whom a notice of acquisition is served duly requires the Commission to withdraw the notice, the date on which the said transfer is to have effect shall be the date specified in the notice of acquisition or a date one month after the question whether the notice of acquisition is to have effect has been determined, whether by withdrawal of the owner's notice or by proceedings before the arbitration tribunal established under Part VIII of this Act, whichever of those dates is the later.

(3) The Commission and the person carrying on the undertaking may by agreement substitute another date for the date fixed under the preceding provisions of this section.

(4) The date fixed under the preceding provisions of this section is in this Part of this Act, and in the other provisions of this Act relating to transfers under this Part of this Act of undertakings or parts of undertakings, referred to as "the date of transfer".

**General effect
of notice of
acquisition.**

45.—(1) Subject to the provisions of this Part of this Act relating to disclaimer and subject, as respects any particular property or any particular contracts, to any agreement to the contrary made between the Commission and the person carrying on the undertaking (in this Part of this Act referred to as "the transferor"), the provisions of this section shall, where a notice of acquisition is given with respect to an undertaking and is not withdrawn or determined by arbitration to be of no effect, have effect in relation to—

- (a) property which immediately before the date of transfer was owned by the transferor and was held by him for the purposes of the undertaking; and
- (b) contracts, whether in writing or not and whether or not of such a nature that the rights or liabilities thereunder could be assigned by the transferor, being contracts to which the transferor was a party and which were made for the purposes of the carrying on of the undertaking:

Provided that where the operation of vehicles authorised to be used under A licences or B licences is only one of the activities of the undertaking, the said provisions shall have effect only in relation to property held wholly or partly for the purposes of that activity and in relation to contracts made wholly or partly for those purposes, and, without prejudice to the preceding provisions of this proviso, if the transferor gives notice to the Commission in such manner and within such time as may be prescribed that he desires that the provisions of this section shall not operate in relation to any specified property or contract, held or made partly for any purpose of the undertaking other than the purposes of that activity, the said provisions shall not have effect in relation thereto unless it is reasonably necessary for the purposes of the Commission that they should have effect.

The property and contracts in relation to which this section has effect are hereafter in this and the next succeeding section referred to respectively as "the relevant property" and "the relevant contracts".

(2) Subject to the provisions of this section, all the relevant property shall, on the date of transfer, vest in the Commission free from any mortgage or other like incumbrance.

(3) Subject to the provisions of this section, every relevant contract shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of transfer as if—

- (a) the Commission had been a party to the contract; and
- (b) for any reference (however worded and whether express or implied) to the transferor there were substituted, as respects anything falling to be done on or after the date of transfer, a reference to the Commission; and
- (c) any reference (however worded and whether express or implied) to, or to any part of, or to any sum determined by reference to, any profits or receipts of the undertaking were, as respects profits or receipts arising on or after the date of transfer, a reference to, or to the corresponding part of, or to a sum similarly determined by reference to, an estimate of what those profits or receipts would have been but for the transfer; and
- (d) any reference (however worded and whether express or implied) to the directors or any of the directors of the transferor (being a body corporate) were, as respects anything falling to be done on or after the date of transfer, a reference to such person as the Commission may appoint; and

PART III.
—cont.

PART III.

—*cont.*

- (e) any reference (however worded and whether express or implied) to any officer or any servant of the transferor were, as respects anything falling to be done on or after the date of transfer, a reference to such person as the Commission may appoint or, in default of appointment, to the officer or servant of the Commission who corresponds as nearly as may be to the first mentioned officer or servant; and
- (f) in the case of a contract for the rendering of personal services to the transferor, the services to which the contract relates were, on and after the date of transfer, any reasonably comparable services under the Commission, to be selected by the Commission; and
- (g) save as provided by the four last preceding paragraphs, any reference (however worded and whether express or implied) to the undertaking to which the notice of acquisition relates were as respects the period beginning with the date of transfer a reference to so much of the undertaking of the Commission as corresponds to that undertaking:

Provided that any relevant contract which cannot have effect as modified in the manner provided by this subsection by reason only that, if it were so modified, no person other than the Commission would have any rights or liabilities thereunder shall cease to have effect as respects anything falling to be done on or after the date of transfer.

(4) Where at the date of transfer legal proceedings are pending by or against the transferor in connection with any of the relevant property or any of the relevant contracts, the Commission, if the circumstances so require, may be added as a party to the proceedings or substituted for the transferor as a party to the proceedings.

(5) Nothing in this section shall operate to transfer any cash to the Commission, and nothing in this section shall affect any right or liability with respect to the borrowing of money by the transferor, any right or liability with respect to the raising of money by the transferor by the issue of securities, any right or liability under any contract for the rendering by any person of personal services as a director (other than a managing director, or a director whose functions are substantially those of an employee), any right to, or liability to pay, any debt which became due before, or was in respect of a consideration wholly executed before, the date of transfer, or any right or liability to any damages which accrued before the date of transfer.

(6) Any question which arises as to whether any property is relevant property or any contract a relevant contract for

the purposes of this section shall, in default of agreement, be determined by the arbitration tribunal established under Part VIII of this Act.

PART III.
—cont.

46.—(1) Where notice of acquisition is given with respect to an undertaking, the transferor shall, as soon as may be after the giving of the notice and in any case not later than fourteen days after the date of transfer or such later date as the Commission may allow, supply to the Commission particulars of all the relevant property acquired on or after the nineteenth day of November, nineteen hundred and forty-five, and of all the relevant contracts entered into or varied on or after that date, except such property and contracts as the Commission may exclude, either generally or in any particular case, from the operation of this subsection. Disclaimer of property and contracts.

(2) Where any relevant property was acquired or any relevant contract entered into or varied on or after the said nineteenth day of November, and the acquisition of the property or the making or variation of the contract, as the case may be, was not reasonably necessary for the purposes of the undertaking, or was an act of unreasonable imprudence on the part of the person carrying on the undertaking, the Commission may, by notice in writing, in the case of property, given to the transferor before the expiration of the period hereafter mentioned, and in the case of a contract, given to the parties to the contract before the expiration of the said period, disclaim the property or the contract.

The said period is—

- (a) where particulars are given of the property or contract under subsection (1) of this section, three months from the date when the particulars are so given;
- (b) where particulars ought to have been so given of the property or contract but have not been so given, three months from the date when the existence and full particulars of the property or the contract first become known to the Commission; and
- (c) in any other case, three months from the date of transfer.

(3) Where notice is so given by the Commission with respect to any property, the provisions of the last preceding section shall have effect as if the property were not and had never been relevant property within the meaning thereof:

Provided that the giving of such a notice with respect to any property shall not affect any right exercised or falling to be exercised between the date of transfer and the date of the notice or any duty or liability falling to be performed or discharged during the said period.

PART III.
—cont.

(4) Where notice is so given by the Commission with respect to any contract—

- (a) subsection (3) of the last preceding section shall be deemed never to have applied to the contract; and
- (b) the contract shall be deemed to have been frustrated on the date of transfer and the parties thereto to have been for that reason discharged from the further performance thereof; and
- (c) the like consequences shall follow as between the Commission and any party to the contract who, before the giving of the notice, has, in pursuance of the contract, supplied goods or rendered services to the Commission which the Commission have accepted or to whom, before the giving of the notice, the Commission have, in pursuance of the contract, supplied goods or rendered services which he has accepted, as would have followed if those goods or services had been supplied or rendered at the request of the Commission or of that party, as the case may be, apart from the contract and on terms that a reasonable payment would be made in respect thereof, and any payments by or to the Commission before the giving of the notice shall be adjusted accordingly.

(5) For the purposes of paragraph (c) of the last preceding subsection, a person who permits another to use or enjoy any property shall be deemed to render a service to him.

(6) So much of this section as relates to contracts does not apply to any lease, agreement for a lease, or other contract constituting any interest in land, and where any such interest is disclaimed by virtue of so much of this section as relates to the disclaimer of property, the provisions of the last preceding section shall have effect as if the said lease, agreement or other contract were not and had never been a relevant contract within the meaning thereof, but without prejudice to the proviso to subsection (3) of this section.

Amount of
compensation.

47.—(1) In respect of any goods vehicle vesting in the Commission by virtue of a notice of acquisition, the Commission shall pay to the transferor compensation equal to the cost, as at the date of transfer, of replacing the vehicle by a new vehicle of a similar type, adjusted, however—

- (a) in the case of a vehicle registered under the Roads Act, 1920, by deducting, where one or more complete years have elapsed between the date when the vehicle was so registered and the date of transfer, one-fifth of the said cost in respect of the first year and, in

respect of each subsequent year, one-fifth of the said cost as reduced by the total deduction falling to be made in respect of the previous years; or

(b) in the case of a trailer (other than a superimposed trailer) by deducting, where one or more complete years have elapsed between the date on which the vehicle was first put into use and the date of transfer, one-seventh of the said cost in respect of the first year and, in respect of each subsequent year, one-seventh of the said cost as reduced by the total deduction falling to be made in respect of the previous years; and

(c) in either case, if it is established that the physical condition of the vehicle is materially better or worse at the date of transfer than the normal physical condition at that date of a vehicle of the same type and age, by adding to or deducting from the said cost, as reduced by the deductions, if any, falling to be made under paragraph (a) or paragraph (b) of this subsection, such amount as fairly represents the difference.

(2) In respect of any property vesting in the Commission by virtue of notice of acquisition, other than a goods vehicle, the Commission shall pay to the transferor compensation equal to the amount which the property would fetch if sold in the open market, estimated as at the date of transfer and as if this Act had not passed.

(3) In respect of the total or partial cessation of business caused to the transferor by the operation of a notice of acquisition, the Commission shall pay to the transferor such sum, if any, as may be just, being a sum calculated by reference to the average net annual profit as defined in the Ninth Schedule to this Act, and being not less than twice nor more than five times the said average net annual profit.

In considering the proportion which the amount of the compensation is to bear to the average net annual profit as so defined, regard shall be had to the likelihood or otherwise that profits at the rate represented by the average net annual profit might, but for the operation of this Act, have been made after the date of transfer by carrying on the undertaking.

(4) Where—

(a) the activities of an undertaking with respect to which a notice of acquisition is given consist, immediately before the date of transfer, partly of the operation of vehicles authorised to be used under A licences or B licences and partly of other activities; and

PART III.
—cont.

- (b) the undertaking, so far as it consists of those other activities or any of them, is carried on on or after the date of transfer; and
- (c) it appears that the proportion which the overhead expenses incurred in carrying on that undertaking bear to the total expenses incurred in carrying it on will be greater on or after the date of transfer than before that date by reason of the transfer to the Commission resulting from the notice of acquisition,

the Commission shall pay to the transferor such compensation in respect of severance as fairly represents the burden of that increase over the five years beginning with the date of transfer:

Provided that no increase in the said proportion shall be taken into account for the purposes of this subsection except in so far as it is shown by the transferor that the increase could not reasonably be avoided by him.

(5) Where a hire purchase agreement is a relevant contract within the meaning of the preceding provisions of this Part of this Act relating to the effect of notices of acquisition and the effect of the notice of acquisition is to vest the rights of the hirer in the Commission, the Commission shall pay to the transferor the same compensation as would have fallen to be paid if the property which is the subject of the agreement had vested in the Commission, less the amount remaining to be paid under the agreement before the hirer can become the owner of the property:

Provided that in calculating the compensation payable under this subsection—

- (a) there shall be ascertained what sum out of the total amount paid or to be paid under the agreement represents the charge made by the owner of the property for the credit given under the agreement; and
 - (b) the said amount remaining to be paid shall for the purposes of this subsection be deemed to be reduced by so much of the sum ascertained under paragraph (a) of this proviso as bears to the whole of that sum the same proportion that the part of the period by the expiration of which payment of the total amount due under the agreement must be completed falling after the date of transfer bears to the whole of that period.
- (6) There shall be deducted from the total amount of compensation payable in respect of an undertaking under the preceding provisions of this section—
- (a) an amount equal to such part of any sums paid or payable by the Commission in or towards the discharge

of any liability to which as the result of the transfer effected by the notice of acquisition they have become subject in respect of any property or under any contract as, on a just apportionment, is referable to matters occurring before the date of transfer;

PART III.

—cont.

- (b) an amount equal to such part of any sums received by the transferor before the date of transfer as consideration for the supply of goods or the rendering of services as, on a just apportionment, is referable to goods to be supplied or services to be rendered by the Commission after the date of transfer,

and there shall be added to the total amount of compensation payable in respect of an undertaking under the preceding provisions of this section an amount equal to such part of any sums paid by the transferor before the date of transfer as consideration for the supply of goods or the rendering of services as, on a just apportionment, is referable to goods to be supplied or services to be rendered to the Commission after the date of the transfer:

Provided that no deduction or addition shall be made under this subsection if and in so far as the matter in respect of which the deduction or addition would fall to be made has affected the compensation payable under subsection (2) of this section in respect of any property.

For the purposes of this subsection, a person who permits another to use or enjoy any property shall be deemed to render a service to him.

(7) Where the Commission have duly disclaimed any property, there shall be added to or subtracted from the total amount of the compensation payable in respect of an undertaking under this section the amount by which the value of the use or enjoyment of the property by the Commission during the period beginning with the date of transfer and ending with the date of the disclaimer exceeds or falls short of such part of the total sums paid or payable by the Commission in or towards the discharge of any liability to which they have become subject in respect of the property, as, on a just apportionment, is referable to the period beginning with the date of transfer.

(8) Save as aforesaid, and subject to any other express provision contained in this Act, no compensation shall be payable in respect of the transfer effected by a notice of acquisition.

48.—(1) A provisional ascertainment of the total amount payable under the last preceding section with respect to an undertaking shall be made as soon as may be after the date of transfer, without regard to the possibility that the

Date and mode of payment of compensation.

PART III.
—*cont.*

Commission may, after the date of the completion of the provisional ascertainment, disclaim any property or contract not disclaimed by them before the completion of the provisional ascertainment, and the Commission shall pay the amount provisionally ascertained to be payable, less such sum, not exceeding one-tenth of that amount, as the Commission may think fit to retain pending the final ascertainment of the total net amount payable.

(2) Where the amount paid under the preceding subsection is found to be less or more than the net amount falling to be paid under the last preceding section, the deficiency or excess shall be made good by or to the Commission.

(3) The amounts payable in accordance with the preceding provisions of this section by the Commission shall be satisfied, in the manner provided for by Part VI of this Act, by the issue of British transport stock:

Provided that where the amount payable to a person on any date does not exceed twenty thousand pounds, the person to whom it is to be paid may, by notice in writing to the Commission given within the prescribed time, require that the Commission shall satisfy the said amount or, if the said amount exceeds two thousand pounds, two thousand pounds thereof by a payment in cash, and the said amount shall, either wholly or to that extent, be satisfied accordingly.

(4) In addition to any sum payable under the last preceding section, the Commission shall be liable to pay interest on the amount ultimately found due to be paid by way of compensation, at such rates as the Treasury may determine, from the date of the transfer until—

- (a) in the case of an amount satisfied by the issue of British transport stock, the date as from which interest on that stock begins to accrue; and
- (b) in any other case, the date of payment,

and the Commission may from time to time make payments on account of any interest which the Commission estimate will become payable under this subsection, and where any adjustment falls to be made for any overpayment or underpayment of compensation under the preceding provisions of this section, an adjustment shall also be made in respect of interest.

Compensation
for property
subject to
incumbrances.

49.—(1) Where any property in respect of which compensation falls to be paid under the preceding provisions of this Part of this Act was, immediately before the date of transfer, subject to a mortgage or other like incumbrance (other than a floating charge which will attach to the compensation), so much of any payment of, or on account of, or

by way of interest on, any compensation payable in respect of the undertaking as is properly referable to that property shall be made to the incumbrancer:

PART III.
—*cont.*

Provided that—

- (a) this subsection shall not apply to any mortgage or other like incumbrance unless it is registered as a bill of sale or is registered under Part III of the Companies Act, 1929, or is registered under the Land Registration Act, 1925, or the Land Charges Act, 15 & 16 Geo. 5. c. 21. 1925, or is a mortgage by deposit of title deeds or the Commission obtains possession of the property from 15 & 16 Geo. 5. c. 22. the incumbrancer;
 - (b) if, at the time when the payment is made, the debt secured by a mortgage or other like incumbrance has been paid in full, the payment shall be made as if the property had not been subject to that mortgage or incumbrance;
 - (c) if the property was subject to two or more mortgages or other like incumbrances to which this subsection applies, the payment shall, subject to the provisions of the last preceding paragraph of this proviso, be made to the incumbrancer whose mortgage or other incumbrance has priority; and
 - (d) in any case this subsection shall have effect, as regards any mortgage or other like incumbrance to which this subsection applies, subject to any agreement between the incumbrancer and the person to whom apart from that mortgage or other incumbrance the payment would have fallen to be made.
- (2) A payment made to an incumbrancer under subsection (1) of this section shall be treated for the purposes of subsection (3) of the last preceding section as a separate payment.
- (3) Where a payment is made to an incumbrancer under subsection (1) of this section (whether satisfied by the issue of British transport stock or made in cash) the incumbrancer shall be liable to account as if the amount paid to him or the amount represented by the stock, as the case may be, had accrued to him as proceeds of sale of the property in question arising under a power of sale exercised by him immediately before the date of transfer; and the incumbrancer shall be under the like obligation to obtain the full amount of any payment falling to be made to him under the said subsection (1) as he would have been had he been obtaining that amount by means of the exercise of such a power of sale.
- (4) Any deduction from the total amount of any compensation payable in respect of an undertaking which falls to be

PART III.
—*cont.*

made in respect of any sums paid by the Commission in or towards the discharge of any liability to which they have become subject or in respect of goods to be supplied or services to be rendered by the Commission or other similar matters shall, for the purpose of determining how much of any payment of, or on account of, compensation is to be treated for the purposes of this section as properly referable to any particular property, be dealt with as follows—

- (a) if the liability was incurred in respect of any property, it shall first be applied in reducing the compensation in respect of that property;
- (b) any balance, or, if the liability was not in respect of property, the whole thereof, shall be applied first in reducing the compensation for cessation of business, the compensation for severance, and any addition to compensation in respect of goods to be supplied or services to be rendered to the Commission after the date of transfer or other similar matters, and so far as it cannot be so applied, apportioned rateably over the remainder of the compensation payable.

Duty of transferor as to carrying on undertaking until transfer.

50.—(1) Where notice of acquisition has been given with respect to an undertaking, the transferor shall, until the date of transfer or the date on which the notice is withdrawn or otherwise ceases to have effect, carry on the undertaking in the ordinary course of business and maintain it in as efficient condition as it was in before the giving of the notice, and shall not without the previous consent in writing of the Commission given either generally or specially (which he shall apply for if it is necessary for the purposes aforesaid)—

- (a) sell, dispose of or let or hire out for more than six months any land or vehicles held for the purposes of the undertaking; or
- (b) enter into a contract for the purposes of the undertaking extending for more than twelve months; or
- (c) undertake any new works estimated to cost more than five hundred pounds in all:

Provided that, where the activities of the undertaking in question consist partly of the operation of vehicles which are to vest in the Commission by virtue of the notice of acquisition and partly of other activities, this subsection shall not apply to transactions solely concerning such other activities.

(2) Where the Commission suffer damage by reason of any contravention by the transferor of the provisions of subsection (1) of this section, the amount of the damage shall be deducted from the compensation payable in respect of the undertaking.

(3) Any deduction made under this section shall, for the purpose of determining how much of any payment of, or on account of, compensation is to be treated for the purposes of the last preceding section as properly referable to any particular property, be dealt with as follows—

PART III.
—*cont.*

- (a) if the damage was a diminution of the value to the Commission of any property, the deduction shall first be applied in reducing the compensation in respect of that property;
- (b) any balance of the deduction not so applied, or, if the damage was not such damage as aforesaid, the whole of the deduction, shall first be applied in reducing the compensation for cessation of business, the compensation for severance, and any addition to compensation in respect of goods to be supplied or services to be rendered to the Commission after the date of transfer, or other similar matters, and, so far as it cannot be so applied, shall be apportioned rateably over the remainder of the compensation payable.

51.—(1) The licensing authority for any area shall, on demand by the Commission, supply to the Commission any such information, obtained by the authority or any predecessor of his in his office either as such or as a Regional Transport Commissioner acting on behalf of the Minister, with respect to the nature of the business carried on by a person carrying on any undertaking as the Commission may reasonably require for the purpose of ascertaining whether or not the undertaking is one with respect to which the Commission are bound under the preceding provisions of this Part of this Act to serve a notice of acquisition. Information,
etc.

Where any information is supplied by the licensing authority to the Commission with respect to the nature of the business carried on by any person, a statement that that information has been so supplied, together with full particulars thereof, shall be sent at the same time by that authority to that person.

(2) It shall be the duty of any persons who are carrying on or who have carried on any undertaking the activities of which consist in whole or in part of the operation of vehicles covered by A licences or B licences to produce and permit extracts to be made from and copies to be taken of such books of account, records and other documents and to provide such information as the Commission may reasonably require for the purpose of ascertaining whether or not the undertaking is one with respect to which the Commission are bound under the said provisions to serve a notice of acquisition, or for the purpose

PART III.
—cont.

of ascertaining what compensation is payable under this Part of this Act in respect thereof.

(3) Where notice of acquisition has been given with respect to an undertaking, the person to whom it is given shall produce to the Commission and permit the Commission to make extracts from and take copies of such books of account, records and other documents, and shall supply to the Commission such information, as the Commission may reasonably require for the purpose of enabling them to take over easily and without interruption the business of the undertaking so far as it relates to the operation of the vehicles which will be affected by the notice, including, in particular, books of account, records or documents relating to, and information as to, the vehicles and other property which will be affected by the notice, the nature of the business carried on in connection with those vehicles and the persons employed in or in connection with that business:

Provided that a person shall not, by virtue of this subsection, be bound to produce or permit extracts to be made from or copies to be taken of any such books, records or documents or to give any such information until the expiration of the period prescribed for the giving by him of a notice requiring the withdrawal of the notice of acquisition, or, if within that period he has given such a notice, until it is determined that the notice of acquisition is to have effect.

(4) Where notice of acquisition is given with respect to an undertaking, the person to whom it is given shall preserve all books of account, records and other documents relating to the undertaking until they are handed over to the Commission or, if they are retained by him, until six months have elapsed after the date of transfer.

*Restrictions on Carriage of Goods for Hire or Reward
otherwise than by Commission.*

Additional
restrictions
on carriage of
goods for hire
and reward.

52.—(1) On and after the appointed day, it shall be a condition of every A licence and every B licence that, except under and in accordance with a permit granted by the Commission, goods shall not be carried for hire or reward in any authorised vehicle if the vehicle, at any time while the goods are being so carried, is more than twenty-five miles from its operating centre, and the Road and Rail Traffic Act, 1933, shall have effect as if the said condition were included among the conditions specified in subsection (1) of section eight of that Act:

Provided that the said condition shall not apply where—

- (a) the goods carried are liquids carried in bulk in a tank permanently fixed to the vehicle, or in a tank not so

PART III.
—cont.

fixed of which the capacity is not less than five hundred gallons, or are goods of a special character which, under any statutory provision specifically relating thereto, may only be carried in a vehicle constructed or adapted so as to comply with the requirements of that provision and which are being so carried, or the carriage is an ordinary furniture removal, or the goods carried are meat or livestock; or

- (b) the goods carried consist of felled timber which is being carried in a vehicle specially constructed for the purposes of such carriage; or
- (c) the vehicle is a vehicle specially constructed to carry abnormal indivisible loads or the goods carried are apparatus or equipment ancillary to the operation, for the purposes of the carriage of such loads, of such a vehicle; or
- (d) a notice of acquisition has been served with respect to the undertaking for the purposes of which the vehicle is being used and has not been withdrawn or declared to be of no effect, and, if that notice has effect, the vehicle will, by virtue of the notice, be transferred to the Commission.

(2) The Commission shall have full power in their discretion either to grant or to refuse any such permit as aforesaid, and any such permit may be granted by them for such period and subject to such conditions as they think fit, and they may at any time, by notice in writing to the holder of the permit, revoke, suspend or vary the permit:

Provided that the Commission shall, in exercising their discretion, take into consideration the needs of, and any special circumstances affecting, the locality in which is situated the operating centre of any vehicle to which the permit would relate.

(3) The provisions of this section shall have effect in relation to every A or B licence whether granted before or after the passing of this Act, and whether or not the condition provided for by this section is expressed in the licence.

(4) The preceding provisions of this section shall, in the case of a B licence, be without prejudice—

- (a) to the power of the licensing authority to impose, under subsection (3) of section eight of the Road and Rail Traffic Act, 1933, conditions which provide for restrictions additional to those provided for by the condition specified in subsection (1) of this section; and

PART III.
—cont.

(b) to any condition imposed under the said power before the appointed day.

(5) It shall not be necessary for any such permit as aforesaid to be so framed as to apply only in relation to a particular licence, and more than one such permit as aforesaid may be granted to the same person.

Protection for
certain
existing under-
takings with
A or B
licences.

53.—(1) The provisions of this and the two next succeeding sections shall have effect for the protection of persons (in this section referred to as “persons to whom this section applies”) who, on the twenty-eighth day of November, nineteen hundred and forty-six, were carrying on undertakings the activities whereof consisted of or included the carrying of goods in goods vehicles for hire or reward and were in connection with those undertakings the holders of A licences or B licences:

Provided that where, by virtue of an agreement between the Commission and the person carrying on an undertaking, the Commission either do not give a notice of acquisition with respect to that undertaking which it would have been their duty to give but for the agreement, or withdraw a notice of acquisition given in accordance with their duty, the said provisions shall have effect subject to such modifications, if any, as may be specified in the agreement.

(2) If, before the expiration of the prescribed time after the appointed day, a person to whom this section applies duly applies to the Commission for a permit under the last preceding section, being a permit applying only to vehicles having a single specified operating centre, then, until the prescribed period has elapsed after the application has been dealt with by the Commission, the condition provided for by subsection (1) of that section shall not operate so as to prevent the doing of anything which could lawfully have been done if a permit had been granted in all respects in accordance with the application:

Provided that where before the expiration of the time prescribed as aforesaid a notice of acquisition is served with respect to the undertaking of a person to whom this section applies without any such application for a permit having previously been made by him, the said prescribed time shall, instead of beginning to run from the appointed day, begin to run from the date on which that person, in accordance with the provisions of this Part of this Act in that behalf, requires the Commission to withdraw the notice of acquisition.

More than one permit may be applied for by the same person under this subsection.

(3) Any permit granted on any such application (in this and the next succeeding section referred to as "an original permit") shall be so framed as to apply in relation to all vehicles having the same operating centre which are authorised to be used under any A licences or B licences held by the person in question on the said twenty-eighth day of November, and shall be so framed as to continue in force, unless previously revoked or suspended under the subsequent provisions of this section, so long as any of those licences continue in force.

If such a licence as aforesaid expires or ceases to have effect and a new licence is granted in substitution therefor either—

- (a) to the same person; or
- (b) if the occasion of the substitution is such an assignment as is hereafter mentioned in this section, to the assignee,

the new licence and the old licence shall be treated for the purposes of this subsection as one and the same licence, and so on as respects any similar subsequent substitution.

(4) An original permit may be revoked or suspended by the licensing authority for the area in which the operating centre in question is situate if, on an application made to him by the Commission, he is satisfied that the holder of the permit has been guilty of a serious breach of any condition attached to the permit or to any licence of which he was the holder.

In any case where a permit is revoked or suspended under this subsection, the licensing authority shall, if requested by the holder of the permit, state in writing the grounds of the revocation or suspension.

(5) An original permit may also be revoked by the Commission—

- (a) at the expiry of the period of one year from the date of the granting thereof, by notice in writing given by the Commission to the holder at least one month before that period expires; or
- (b) if the permit is not revoked at the expiry of that period, then at the end of any triennium, by notice in writing given by the Commission to the holder at least six months before the end of that triennium.

In this subsection, the expression "triennium" means, in relation to a permit, a period of three years beginning one year after the date on which the permit was granted or beginning at the end of a previous triennium.

(6) Where the Commission give notice under the last preceding subsection of the revocation of an original permit, they shall state in the notice whether or not they are willing to

PART III.
—*cont.*

grant in lieu of that permit another permit complying with the requirements of subsection (3) of this section, and, if so, what will be the terms thereof.

A permit granted in accordance with any such statement is hereafter in this section, and in the next succeeding section, referred to as "a substituted permit", and the provisions of this subsection and of subsections (3), (4) and (5) of this section shall apply in relation to it as they apply in relation to an original permit:

Provided that paragraph (a) of the said subsection (5) shall not apply to a substituted permit and the definition in that section of the expression "triennium" shall, in relation to a substituted permit, have effect as if for the words "beginning one year after the date" there were substituted the words "beginning with the date".

(7) Where a person to whom this section applies assigns the whole or any part of his undertaking to another such person who is the holder of an original permit or a substituted permit, any original or substituted permit held by the assignor for the purposes of his undertaking or that part of his undertaking, as the case may be, may be assigned by him to the said other person, and, if it is so assigned, then, as from the date on which notice in writing of the assignment is given to the Commission,—

- (a) the permit shall have effect as if any reference therein to the assignor were a reference to the assignee; and
- (b) the provisions of this and the next succeeding section shall have effect in relation to the permit as if the undertaking or the assigned part thereof, as the case may be, had at all material times been carried on by the assignee.

Right to
require
notice of
acquisition
to be given.

54.—(1) If—

(a) the Commission—

- (i) refuse to grant an original permit; or
- (ii) impose on an original permit limitations or conditions other than those specified in the application for the permit; or
- (iii) give notice under subsection (5) of the last preceding section of the revocation of an original permit or a substituted permit; and

(b) the effect of the refusal, the effect of the imposition of the limitations or conditions or, due regard being had to any substituted permit which the Commission are willing to grant, the effect of the revocation, will involve substantial interference with the carrying on by the applicant for or holder of the permit of

some activity which was, before the twenty-eighth day of November, nineteen hundred and forty-six, being carried on by him or by his predecessors in, or in any part of, his undertaking, and has, up to the time of the refusal, the imposition of limitations or conditions or the revocation, as the case may be, continued to be so carried on, with only such intermissions, if any, as are incidental to the nature of the activity,

PART III.

—*cont.*

he may, within the prescribed time, serve on the Commission a notice requiring the Commission to serve on him notice of acquisition with respect to his undertaking, and the Commission shall serve on him such a notice accordingly and, subject to the provisions of the next succeeding subsection, the like consequences shall ensue as if it were a notice served by them under the preceding provisions of this Part of this Act.

(2) A person who serves a notice on the Commission under the preceding subsection may, if he thinks fit, by his notice require that the Commission's notice of acquisition shall be limited in terms to such goods vehicles, being vehicles authorised to be used under A licences or B licences, as may be specified in his notice, to such hire purchase agreements, being agreements relating to goods vehicles authorised to be used under A licences or B licences, as may be so specified, and to such other property and contracts, being property and contracts directly relating to the operation of vehicles authorised to be used under A licences or B licences, as may be so specified; and where a notice of acquisition is so limited in pursuance of this subsection—

- (a) the notice of acquisition shall not affect any other property or any other contracts; and
- (b) the compensation payable in respect of cessation of business and severance shall, instead of being calculated in accordance with the preceding provisions of this Part of this Act, be calculated in accordance with the provisions of the next succeeding section.

(3) A notice served by a person on the Commission under subsection (1) of this section requiring that a notice of acquisition shall be limited to specified vehicles, hire purchase agreements, property or contracts shall not be invalid on the ground that the vehicles, agreements, property or contracts do not fall within the descriptions set out in subsection (2) of this section or are not relevant property or relevant contracts as defined for the purposes of the preceding provisions of this Part of this Act relating to the effects of notices of acquisition, and the Commission's notice of acquisition shall embody in

PART III.
—*cont.*

terms the limitations asked for, but where such a limitation is embodied in a notice of acquisition—

- (a) the notice shall be ineffective in relation to any vehicles, agreements, property or contracts which do not fall within the said descriptions or are not relevant property or relevant contracts as so defined; and
- (b) the fact that particular vehicles, agreements, property or contracts are mentioned in the limitation shall not prejudice any right of the Commission to disclaim any of them.

(4) Where a notice of acquisition has been served by the Commission in respect of an undertaking otherwise than in pursuance of this section, subsection (2) of this section shall not apply in relation to the person carrying on that undertaking unless that notice of acquisition has been withdrawn or declared to be of no effect.

(5) Any question as to whether the conditions specified in subsection (1) of this section are or are not satisfied, or as to the extent to which a notice of acquisition is ineffective by reason of the provisions of subsection (3) of this section, shall, in default of agreement, be determined by the arbitration tribunal established under Part VIII of this Act.

Measure of
compensation
for cessation
of business
and severance
in certain
cases.

55.—(1) Where a notice of acquisition served under subsection (1) of the last preceding section is limited in pursuance of subsection (2) of that section to specified goods vehicles, hire purchase agreements, property and contracts, the amount, if any, payable by way of compensation in respect of cessation of business and severance shall be ascertained in accordance with the subsequent provisions of this section.

(2) No compensation shall be payable in respect of cessation of business or severance unless the transferor satisfies the Commission, or, in case of dispute, the arbitration tribunal established under Part VIII of this Act, that one or more of the vehicles to which, or to hire purchase agreements relating to which, the notice of acquisition is limited were, during the twelve months immediately preceding the service of the notice of acquisition—

- (a) used wholly or partly for the carriage of goods in such circumstances that a permit was necessary for the carriage, or that a permit would have been necessary if the appointed day for the purposes of section fifty-two of this Act had fallen before the beginning of the said twelve months (such carriage being hereafter in this section referred to as “long distance work”); and

- (b) customarily selected for use on the occasions during the said twelve months when vehicles were required for or in connection with long distance work.

PART III.
—cont.

A vehicle as to which the Commission or, as the case may be, the arbitration tribunal, are satisfied as aforesaid is hereafter in this section referred to as an " approved vehicle ".

(3) The subsequent provisions of this section shall have effect in respect of each severally of such of the following classes of goods vehicles as include one or more approved vehicles (hereafter in this section severally referred to as " the relevant class ") that is to say—

- (a) trailers, other than superimposed trailers; and
- (b) other goods vehicles,

being in each case all goods vehicles of the relevant class, whether vehicles to which, or to hire purchase agreements relating to which, the notice of acquisition is limited or not, authorised to be used under A licences or B licences and operated by the transferor during the said twelve months.

(4) There shall be estimated to the satisfaction of the Commission or, in case of dispute, the arbitration tribunal,—

- (a) how much of the total work done by all vehicles of the relevant class during the said twelve months was, on a just apportionment, referable to long distance work; and
- (b) the minimum total carrying capacity in tons which would have been employed on the work so found referable, if one or more vehicles of the relevant class had been used exclusively for such work during the said twelve months.

(5) The Commission shall pay to the transferor by way of combined compensation in respect of the cessation of business caused to him by the operation of the notice of acquisition and in respect of severance a sum calculated at the rate of seventy pounds for each complete ton of either—

- (a) the carrying capacity in tons or, as the case may be, the combined carrying capacity in tons of the approved vehicle or approved vehicles of the relevant class; or
- (b) the minimum total carrying capacity in tons estimated in relation to the relevant class under paragraph (b) of the last preceding subsection,

whichever is the less.

PART III.
—*cont.*

(6) For the purposes of paragraph (a) of the last preceding subsection, "carrying capacity", in relation to an approved vehicle, means—

- (a) in the case of a trailer (other than a superimposed trailer), the gross permitted weight of the vehicle less the weight of the vehicle unladen; or
- (b) in the case of any other vehicle, the gross permitted weight of the vehicle less the sum of the following weights, that is to say—
 - (i) the unladen weight of the vehicle, as defined in section twenty-six of the Road Traffic Act, 1930, and
 - (ii) the weight of any container which is normally carried on the vehicle but is not permanently fixed thereto, and
 - (iii) a weight of five hundred pounds :

Provided that a superimposed trailer and the vehicle that draws it shall, for the purpose of calculating the carrying capacity of approved vehicles, be deemed to be one vehicle.

(7) In the last preceding subsection, "gross permitted weight" means, in relation to any vehicle, the gross laden weight of the vehicle stated by the manufacturer as at the date when the vehicle was first sold by him:

Provided that—

- (i) where the gross laden weight stated by the manufacturer is variable according to the size of the tyres with which the vehicle may be equipped, the gross permitted weight shall be determined by reference to the size of the tyres with which the vehicle is equipped at the date of transfer, so, however, as not in any case to exceed the maximum gross laden weight of that vehicle stated by the manufacturer;
- (ii) where, subsequent to sale by the manufacturer, alterations have been made to a vehicle, and the transferor claims that by reason of the alterations the carrying capacity of the vehicle has been increased, the gross permitted weight shall be taken as such weight as the Commission and the transferor may agree, or, in default of agreement, such weight as may be determined by a certifying officer appointed under section sixty-nine of the Road Traffic Act, 1930, or such other person as may be designated by the Minister in that behalf, after consultation with the manufacturer of the vehicle or, where for any reason the manufacturer is not available, after consultation with a person appointed for

the purpose by the Society of Motor Manufacturers and Traders;

PART III.
—cont.

- (iii) where for any reason no statement by the manufacturer as to the gross laden weight of the vehicle has been or can be obtained, the gross permitted weight shall be taken as such weight as the Commission and the transferor may agree, or, in default of agreement, such weight as may be determined by a certifying officer appointed under section sixty-nine of the Road Traffic Act, 1930, or such other person as may be designated by the Minister in that behalf, after consultation with a person appointed for the purpose by the Society of Motor Manufacturers and Traders.

Miscellaneous.

56.—(1) Any person who, being the holder of a permit granted by the Commission, is aggrieved by the revocation or suspension thereof by the licensing authority may, within the prescribed time and in the prescribed manner, appeal to the Transport Tribunal.

Appeals from
decisions of
licensing
authorities.

(2) The Commission, if they are aggrieved by the refusal of a licensing authority to revoke or suspend a permit granted by the Commission, may, within the prescribed time and in the prescribed manner, appeal to the Transport Tribunal.

(3) The provisions of subsections (10), (11), (13) and (14) of section fifteen of the Road and Rail Traffic Act, 1933, shall apply in relation to any appeal under this section as they apply in relation to the appeals mentioned in the said section fifteen.

(4) In relation to any appeal brought before the day which is the appointed day for the purposes of the provisions of Part V of this Act relating to the transfer to the Transport Tribunal of jurisdiction under the said section fifteen, the preceding provisions of this section shall have effect subject to the following modifications:—

- (a) for the references in subsections (1) and (2) to the Transport Tribunal there shall be substituted references to the Tribunal mentioned in the said section fifteen; and
- (b) subsection (3) shall not apply but the provisions of the said section fifteen and of any rules made thereunder, and the said provisions of Part V of this Act, shall apply in relation to the appeals as they apply in relation to the appeals mentioned in the said section fifteen.

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—*cont.*

Licensing
authorities to
act under
general
direction of
Minister.

20 & 21 Geo. 5.
c. 43.

Meaning of
"operating
centre", in
relation to
vehicles
covered by A
or B licences.

57.—(1) So much of subsection (1) of section sixty-three of the Road Traffic Act, 1930, as provides that licensing authorities for public service vehicles shall act under the general directions of the Minister, shall apply in relation to licensing authorities for goods vehicles as it applies in relation to the first-mentioned licensing authority.

(2) Where a direction has been given by the Minister to a licensing authority under any power of the Minister in that behalf, the Transport Tribunal shall not, on any appeal brought by virtue of the last preceding section, require the authority to do anything which would be inconsistent with the direction.

58.—(1) Subject to the provisions of this section, in this Part of this Act, the expression "operating centre" means, in relation to a vehicle authorised to be used under an A licence or a B licence, the premises specified in the application for the licence as the permanent base or centre from which it is intended that the vehicle will normally be used for the purpose of carrying goods for hire or reward.

(2) Where, in the year nineteen hundred and forty-six, a vehicle was authorised to be used under a B licence, but subject to the condition that it should be used for the carriage of goods for hire or reward only in a district limited by reference to the distance of the boundaries thereof from a specified point, any reference to the operating centre of the vehicle, being a reference in relation to the facts of that year, shall be construed as a reference to that point.

(3) On an application after the passing of this Act for an A licence or a B licence, the applicant may, if he thinks fit, request the licensing authority to whom the application is made to specify a point in the area of the authority which is to be treated as the operating centre of the authorised vehicles, and where such a request is made, the licensing authority may, if he thinks fit, specify as the operating centre for all or any of the authorised vehicles any such point in his area as he thinks fit.

(4) Where an A licence or a B licence is in force at the passing of this Act, the holder of the licence may, within the prescribed time, make such a request as is specified in subsection (3) of this section to the licensing authority by whom the licence was granted, and that subsection shall, with the necessary modifications, apply accordingly.

(5) Where an A licence or a B licence was granted before the twenty-eighth day of November, nineteen hundred and forty-six, and, immediately before that date, the premises from which any vehicle, being an authorised vehicle, was in fact

PART III.
—cont.

normally used for the purpose of carrying goods for hire or reward were different from the premises specified in the application for the licence, the holder of the licence may, within the prescribed time, give notice in writing in the prescribed form specifying the premises from which the vehicle was normally so used immediately before that date to the licensing authority within whose area the last-mentioned premises are situate and, if those premises are not situate within the area of the licensing authority by whom the licence was granted, to that licensing authority, and if the first-mentioned licensing authority is satisfied that the vehicle was normally so used from those premises immediately before that date, that authority shall notify the holder accordingly, and those premises shall, as from the date when that authority so notifies the holder, be taken to be the operating centre of the vehicle:

Provided that a notice given by the holder of a licence under this subsection may embody such a request to the first-mentioned licensing authority as is mentioned in subsection (3) of this section, and, where such a request is made, that licensing authority may, if he thinks fit, specify as the operating centre for the vehicle any such point in his area as he thinks fit.

(6) The Minister may by regulations make provision whereby the operating centre of a vehicle may, on the application of the holder of the licence, be changed, either temporarily or otherwise, during the currency of a licence under which it is authorised to be used.

59. Section one of the Road and Rail Traffic Act, 1933 (which prohibits the use of goods vehicles in certain cases without a licence) shall not apply to the Commission but, as respects the matters specified in paragraphs (a) to (d) of subsection (1) of section eight and in subsection (1) of section sixteen of that Act (which relate to the condition of vehicles, their speeds and loads, intervals for rest and the keeping of records), the Commission shall have the same duties and be subject to the same liabilities, including liabilities to penalties, as they would if the said section one applied and they were the holders of A licences or B licences with respect to all goods vehicles owned by them or in their possession, and the provisions of Part I of that Act shall have effect accordingly:

Application of
Road and Rail
Traffic Act,
1933, to
Commission.

Provided that—

(a) subsection (3) of the said section sixteen (which provides for dispensations from observance of the regulations as to records and other matters shall not apply, but the Minister may dispense with the

PART III.
—*cont.*

observance by the Commission of any requirement of the regulations made under that section and may grant such a dispensation either generally or as respects any particular vehicles or as respects the use of vehicles for any particular purpose;

- (b) subsection (4) of the said section sixteen (which relates to the preservation and production of records) shall have effect as if any reference therein to the licensing authority were a reference to the Minister.

Other amend-
ments of Part I
of Road and
Rail Traffic
Act, 1933.

60.—(1) For the avoidance of doubt, it is hereby declared that any breach of any condition or limitation imposed on any permit granted under this Part of this Act which has effect in relation to a licence is, for all the purposes of Part I of the Road and Rail Traffic Act, 1933 (and in particular the provisions thereof relating to the revocation and suspension of licences and the provisions relating to penalties) to be treated as a breach of the conditions of the licence.

(2) Where a vehicle specified in a licence is transferred to the Commission by virtue of a notice of acquisition under this Part of this Act, the Commission shall as soon as may be give notice to the licensing authority by whom the licence was granted, and, notwithstanding anything in the proviso to subsection (2) of section ten of the Road and Rail Traffic Act, 1933, the licensing authority shall not be bound to grant an application for a variation of that licence where the variation consists in the specification in the licence of another vehicle in substitution for a vehicle so transferred.

(3) While the provisions of section twelve of the Road and Rail Traffic Act, 1933 (which relate to holding and subsidiary companies) have effect in relation to, or in relation to any application for, a licence, they shall have effect also in relation to, and in relation to any application for, any permit granted or to be granted under this Part of this Act in so far as that permit has, or is to have, effect in relation to that licence.

(4) The provisions of sections eighteen and nineteen of the Road and Rail Traffic Act, 1933 (which confer powers and duties on examiners, police constables and certifying officers), and of sections thirty-four and thirty-five of that Act (which relate to forgery of licences and other similar matters, and to prosecutions and penalties for offences) shall have effect as if any regulations made under this Part of this Act were regulations made under that Act, as if any reference to a licence included a reference to a permit under this Part of this Act and as if any reference to a document, plate or mark by which a vehicle is to be identified as being an authorised vehicle

included a reference to any document, plate or mark by which a vehicle is to be identified as being authorised to be used under such a permit or by which the area within which vehicles may be used for the carriage of goods for hire or reward is to be ascertainable.

(5) Section twenty-one of the said Act (which relates to the transfer and assignment of licences) shall, subject to any provision of this Part of this Act expressly authorising an assignment of a permit, apply in relation to permits under this Part of this Act as it applies in relation to licences.

(6) Without prejudice to any rights which the Commission or any other person would have apart from this subsection, the Commission may apply to the appropriate licensing authority for the revocation, variation or suspension of a licence on any ground on which the authority is by law authorised to revoke, vary or suspend that licence, and the authority shall consider the application.

61. The Minister may make regulations for the purpose of carrying this Part of this Act into effect and in particular, but without prejudice to the generality of the preceding provision, may make regulations with respect to any of the following matters:— Regulations.

- (a) the forms to be used, and the particulars to be furnished, for any of the purposes of this Part of this Act;
- (b) the procedure of application for, and the determining of questions in connection with, the grant, variation, suspension and revocation of permits under this Part of this Act;
- (c) the issue of permits under this Part of this Act, and the issue of copies of permits under this Part of this Act in the case of permits lost or destroyed, including the fees which are to be charged in connection with the issue of such permits or copies;
- (d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being vehicles authorised to be used for the carriage of goods for hire or reward under any such permit and by which the area within which vehicles may be used for that purpose (whether under any such permit or not) is to be ascertainable, and
- (e) the custody of such permits, the production, return and cancellation of such permits on expiration, suspension or revocation, and the custody, production and return of plates;

and different regulations may be made as respects different classes or descriptions of vehicles and as respects the same class or description of vehicles in different circumstances.

PART III.

—cont.

Application of
Part III to
permits
granted under
Defence
Regulations.

62. Where, in pursuance of an authority given under paragraph (2) of Regulation seventy-two of the Defence (General) Regulations, 1939, a vehicle is used without a licence for a purpose or in circumstances which apart from the authority would render it necessary that a licence should be in force with respect to the vehicle, the provisions of this Part of this Act shall have effect as if the authority were a licence of the same class as that which would have been necessary but for the giving of the authority and, in relation to a vehicle used under such an authority, references to the operating centre of a vehicle shall be construed as references to the premises which served, at the material time, as the permanent base or centre from which the vehicle was normally used for the purpose of carrying goods for hire or reward:

Provided that where, during the whole or any part of the year nineteen hundred and forty-six, a vehicle was authorised to be used under such an authority as aforesaid, but subject to the condition that it should be used for the carriage of goods for hire or reward only in a district limited by reference to the distance of the boundaries thereof from a specified point, any reference to the operating centre of the vehicle, being a reference in relation to the facts of that year, shall as respects the whole or that part of that year be construed as a reference to that point.

PART IV.

OTHER FORMS OF TRANSPORT AND PORT FACILITIES.

Passenger Road Transport.

Preparation
and approval
of area road
transport
schemes.

63.—(1) The Commission may, at any time, prepare and submit to the Minister a scheme as to the passenger road transport services serving such area as may be specified in the scheme, being a scheme devised for the purpose of promoting or facilitating the promotion of the co-ordination of the passenger transport services serving the area, whether by road or by rail, and the provision of adequate, suitable and efficient passenger road transport services to meet the needs of the area, and the Commission shall as soon as may be review the passenger road transport services operating in Great Britain with a view to determining the areas with respect to which schemes shall be prepared and submitted as aforesaid.

(2) The Commission, in considering what scheme to submit to the Minister with respect to any area, shall consider any representations which have been made to them by any local authority whose area or any part of whose area is within the area to which the scheme will relate, and, without prejudice to

the preceding provisions of this subsection, before submitting a scheme to the Minister, the Commission shall consult every local authority whose area or any part of whose area is within the area to which the scheme relates, every joint committee, joint board, joint authority or other combined body which provides passenger road transport services within or partly within the area to which the scheme relates, being a committee, board, authority or body all the members of which are, or are representatives of, local authorities or the councils of county districts, and any other person providing passenger transport services who, in the opinion of the Commission, is likely to be affected by the scheme.

(3) A scheme under this section shall not take effect until embodied in an order made by the Minister in accordance with the provisions of the Eighth Schedule to this Act, and the date on which it takes effect shall be such date as may be specified in the order:

Provided that where objection is made in accordance with the said Schedule to the making of the order and is not withdrawn before the making thereof, the order shall be subject to special parliamentary procedure.

(4) The Minister may—

(a) specify an area, and

(b) direct the Commission to prepare and submit a scheme under this section with respect to the area so specified,

and the Commission shall give effect to any such directions.

64.—(1) A scheme under the last preceding section may provide for all or any of the following matters, that is to say—

Contents of
area road
transport
schemes.

(a) for constituting or specifying the body or bodies who are to provide passenger road transport services operating within or partly within the area, and the body or bodies who are to administer or take part in administering the scheme;

(b) for the transfer on a date specified in the scheme to any such body as aforesaid of the whole or any part of any undertaking so specified, being an undertaking or part of an undertaking the activities of which consist wholly or partly of operating passenger road transport services within or partly within the area;

(c) for regulating the relations of the persons providing passenger transport services under the scheme (whether by road or by rail) within or partly within the area, and in particular for the pooling of receipts or expenses;

PART IV.
—*cont.*

- (d) for specifying the passenger road transport services which are to be provided within or partly within the area and for prohibiting or restricting the provision within or partly within the area of passenger road transport services otherwise than under the scheme;
- (e) for incorporating, with or without modifications, in relation to any such body as is mentioned in paragraph (a) of this subsection, all or any of the provisions of this Act relating to borrowing or the issue of stock, including the provisions thereof relating to guarantees by the Treasury;
- (f) for incorporating, with or without modifications, in relation to any such body as is mentioned in paragraph (a) of this subsection, being a body who are to provide passenger road transport services operating wholly or partly within the area—
 - (i) any of the provisions of Part V of this Act or of any scheme or regulations made thereunder; or
 - (ii) any other statutory provisions relating to or affecting the charges to be made by the Commission or the terms and conditions applicable to the Commission, whether for or in relation to the provision of passenger road transport facilities or not; or
 - (iii) any of the provisions of the next succeeding section;
- (g) for incorporating, with or without modifications, in relation to any such transfer as is mentioned in paragraph (b) of this subsection, any of the provisions of this Act relating to the transfer of undertakings or parts of undertakings to the Commission, including (subject to the provisions of Part II of the Eighth Schedule to this Act) provisions relating to compensation;
- (h) for repealing or amending any previous scheme in force with respect to the area or any other area the whole or any part of which falls within the area; and
- (i) for making such other consequential or incidental provision as appears necessary or expedient for the purposes of the scheme, including provision for repealing or amending any statutory provision of local application affecting any part of the area:

Provided that a scheme shall not provide for the transfer otherwise than by agreement of part only of an undertaking

unless the part to be transferred includes the whole of so much of the undertaking as relates to the operation of passenger road transport services.

PART IV.
—cont.

(2) The Commission may be the body specified, or one of the bodies specified, in a provision included in a scheme by virtue of paragraph (a) of subsection (1) of this section, and a part of the undertaking of the Commission may be the subject of a transfer under a provision included in a scheme by virtue of paragraph (b) of the said subsection (1).

(3) Where a provision included in a scheme by virtue of paragraph (a) of subsection (1) of this section constitutes or specifies some body or bodies other than the Commission to administer or take part in administering the scheme, provision shall also be made in the scheme to secure that at least one member of any such body shall be a person who has had not less than six years experience in local government within the area to which the scheme relates.

(4) The Minister shall not regard as satisfactory for the purposes of sub-paragraph (1) of paragraph 1 of the Eighth Schedule to this Act any scheme made under the last preceding section which includes provision for prohibiting or restricting the provision within or partly within the area to which the scheme relates of passenger road transport services otherwise than under the scheme, unless it includes also provision to secure—

(a) that compensation is payable where—

(i) any person was, at the date of the passing of this Act, carrying on an undertaking the activities of which consisted wholly or partly of operating passenger road transport services within or partly within the area to which the scheme relates; and

(ii) neither the whole nor any part of that undertaking is transferred to a body under the scheme; and

(iii) a prohibition or restriction contained in or imposed under the scheme will involve a substantial interference with the carrying on by that person of some transport activity which he, or his predecessor in, or in any part of, his undertaking, was carrying on before the said date and which he has, up to the time when the scheme takes effect or, as the case may be, up to the time when the prohibition or restriction is imposed, continued to carry on with only such intermissions, if any, as are incidental to the nature of the activity; and

PART IV.
—*cont.*

- (b) that the question whether any, and if so what, compensation is so payable is to be determined, in case of dispute by the arbitration tribunal established under Part VIII of this Act.

**Passenger road
transport
services of the
Commission.**

65.—(1) Sections seventy-two to seventy-six of the Road Traffic Act, 1930 (which relate to road service licences) shall not apply to any passenger road transport service provided, whether under a scheme under the preceding provisions of this Part of this Act or otherwise, by the Commission or by any person acting as agent for the Commission, but neither the Commission nor any such person as aforesaid shall use any public service vehicle for the conveyance of passengers for hire or reward at separate fares except—

- (a) on a route approved, as respects so much thereof as falls within any traffic area, by the licensing authority for public service vehicles for that area; and
(b) in accordance with such restrictions as may be imposed by that authority as to the class or description of vehicles which may be used on the route and as to the portions of the route on which, and the points at which, passengers may be taken up or set down:

Provided that the Commission may appeal to the Minister against the refusal of any such authority to give their approval or against any restrictions imposed by them as to the matters aforesaid, and the decision of the Minister shall be final.

56 & 57 Vict.
c. 38.

(2) The Commission shall, in respect of services of public service vehicles provided by them, perform such services with regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act, 1893, in respect of a tramway to which that Act applies.

(3) Regulations made by the Minister may require copies of the timetable and faretable of any service provided by the Commission or by a person acting as agent for the Commission to be carried and to be available for inspection in accordance with the regulations on public service vehicles used on that service.

(4) The Commission may, if the highway authority consent, construct and maintain on any highway shelters or other buildings for the use of, and barriers for controlling the movements of, persons using the passenger road transport services provided by them, being shelters, buildings or barriers at stopping places of the vehicles of the Commission.

Harbours.

**Schemes as to
harbours.**

66.—(1) The harbours to which this section applies (hereafter in this section referred to as “trade harbours”) are all harbours in Great Britain which are, or form part of, or abut

on, harbours not normally used only by pleasure steamers, yachts, fishing vessels and vessels not required to be registered under the Merchant Shipping Acts, 1894 to 1940:

PART IV.
—*cont.*

Provided that this section shall not apply to any harbour which is or forms part of a dockyard port within the meaning of the Dockyard Ports Regulation Act, 1865.

28 & 29 Vict.
c. 125.

(2) The Commission shall keep the trade harbours under review with a view to determining whether the powers conferred on them by this section should be exercised with respect to any trade harbour or group of trade harbours.

(3) The Commission may, with a view to securing the efficient and economical development, maintenance or management of any trade harbour or group of trade harbours, prepare, in consultation with the persons theretofore carrying on harbour undertakings in or in connection with the harbour or group of harbours and with such bodies or persons as the Commission may consider to be properly representative of shipping and traders actually using, and of workers actually employed in, the harbour or group of harbours, and submit to the Minister a scheme providing for all or any of the following matters, that is to say—

- (a) for constituting or specifying the body or bodies who are to provide port facilities under the scheme in or in connection with the harbour or group of harbours, and the body or bodies who are to administer, or take part in administering, the scheme;
- (b) for the transfer to any such body as aforesaid of any harbour undertaking carried on in or in connection with the harbour or group of harbours;
- (c) for regulating the relations of persons carrying on harbour undertakings in or in connection with the harbour or group of harbours, and, in particular, for the pooling by those persons of receipts or expenses;
- (d) for specifying the port facilities which are to be provided by any such body as is mentioned in paragraph (a) of this subsection in or in connection with the harbour or group of harbours;
- (e) for prohibiting or restricting the construction, improvement or extension of any dock in the harbour or group of harbours otherwise than under the scheme;
- (f) for applying the next succeeding section to the harbour or any of the harbours and declaring the authority which is to be the licensing authority for the purposes thereof;

PART IV.
—cont.

- (g) for incorporating, with or without modifications, in relation to any such body as is mentioned in paragraph (a) of this subsection, any of the provisions of this Act relating to borrowing or the issue of stock, including the provisions thereof relating to guarantees by the Treasury;
 - (h) for incorporating, with or without modifications, in relation to any such body as is mentioned in paragraph (a) of this subsection, being a body who are to provide port facilities in or in connection with the harbour or group of harbours—
 - (i) any of the provisions of Part V of this Act or of any scheme or regulations made thereunder; or
 - (ii) any other statutory provisions relating to or affecting the charges to be made by the Commission or the terms and conditions applicable to the Commission, whether for or in relation to the provision of port facilities or not;
 - (i) for incorporating, with or without modifications, in relation to any such transfer as is mentioned in paragraph (b) of this subsection, any of the provisions of this Act relating to the transfer of undertakings or parts of undertakings to the Commission, including provisions relating to compensation;
 - (j) for repealing or amending any previous scheme in force with respect to the harbour or group of harbours, or any part thereof; and
 - (k) for making such other consequential or incidental provision as appears necessary or expedient for any of the purposes aforesaid, including provision for repealing or amending any statutory provision of local application affecting the harbour or group of harbours.
- (4) The Commission may be the body specified, or one of the bodies specified, in a provision included in a scheme by virtue of paragraph (a) of the last preceding subsection, and a part of the undertaking of the Commission may be the subject of a transfer under a provision included in a scheme by virtue of paragraph (b) of the last preceding subsection.
- (5) The Commission, in preparing a scheme under this section, shall have regard to the desirability—
- (a) of including among the members of any body (other than the Commission) constituted or specified in a provision included in the scheme by virtue of paragraph (a) of subsection (3) of this section to

administer or take part in administering the scheme persons, or representatives of persons, who are payers of dues for the services or facilities afforded in, or who are otherwise interested in the trade or activities of, the harbour or group of harbours to which the scheme relates; and

- (b) of providing for the scheme to be administered, as far as may be, from a place at or in the vicinity of the harbour, or one of the harbours in the group of harbours, to which the scheme relates.

(6) Subject to the provisions of subsection (3) of this section relating to the application to harbours of the next succeeding section, nothing in the said subsection (3) shall be construed as authorising the inclusion in any scheme of any provision which confers upon any such body as is mentioned in paragraph (a) of that subsection the exclusive right to carry on in or in any part of any harbour a business the activities of which consist of or include all or any of the following activities, that is to say, the berthing, towing, moving or drydocking of ships, the loading or unloading of goods or embarking or disembarking of passengers or the lighterage or the sorting, weighing, warehousing or handling of goods:

Provided that nothing in this subsection shall apply to any exclusive right exercisable immediately before the operation of the scheme by any person, whether by virtue of any statutory provision or by virtue of any right of property, being a right exercisable for the purposes of an undertaking or part of an undertaking transferred to the body under the scheme.

(7) No provision of any scheme made under this section shall apply to any private dock undertaking, oil dock undertaking, coal dock undertaking or drydock undertaking, unless either the person carrying on the undertaking consents to the application thereof or the undertaking is carried on in pursuance of some private Act or some order having the effect of an Act.

(8) A scheme under this section shall not have effect until embodied in an order made by the Minister in accordance with the provisions of the Eighth Schedule to this Act, and the date on which it takes effect shall be such date as may be specified in the order:

Provided that where objection is made in accordance with the said Schedule to the making of the order and is not withdrawn before the making thereof, the order shall be subject to special parliamentary procedure.

PART IV.
—*cont.*

(9) The Minister may—

- (a) specify a trade harbour or group of trade harbours, and
- (b) direct the Commission to prepare and submit a scheme under this section with respect to the trade harbour or group of trade harbours so specified, and the Commission shall give effect to any such directions.

(10) In this section, the following expressions have the meanings hereby assigned to them, that is to say:—

“harbour undertaking” means an undertaking or part of an undertaking the activities whereof consist wholly or mainly of the construction, improvement, maintenance, management, regulation, marking or lighting of a harbour or part of a harbour;

“private dock undertaking” means an undertaking or part of an undertaking the activities whereof consist wholly or mainly of the construction, improvement, maintenance or management of a dock the use whereof is substantially confined to ships resorting thereto for the purpose, and only for the purpose, of bringing goods which are to be used by the person carrying on the undertaking or part of an undertaking in the manufacture or production, at premises on or near the dock, of goods, substances, electricity or power, or of receiving goods or substances manufactured or produced by that person on such premises;

“oil dock undertaking” and “coal dock undertaking” mean an undertaking or part of an undertaking the activities whereof consist wholly or mainly of the construction, improvement, maintenance or management of a dock the use whereof is substantially confined to ships resorting thereto for the purpose, and only for the purpose, of bringing or receiving oil in bulk or, as the case may be, coal;

“drydock undertaking” means an undertaking or part of an undertaking the activities whereof consist wholly or mainly of the construction, improvement, maintenance or management of a dock the use whereof is substantially confined to the cleaning or repairing of ships.

Power to
license
provision of
port facilities.

67.—(1) This section shall apply to harbours to which it is applied by a provision in that behalf contained in a scheme made under the last preceding section, and in this and the next succeeding section the expression “the harbour” means a harbour to which this section applies and the expression

" the licensing authority " means such body as may be declared by the scheme to be the licensing authority for the purposes of this section.

PART IV.
—cont.

(2) Save so far as may be otherwise provided by the scheme, port facilities shall not be provided in or in connection with the harbour by any person except under and in accordance with the conditions of a licence granted by the licensing authority.

(3) Subject to the provisions of subsection (4) of this section, any such licence may be granted by the licensing authority for such period and subject to such conditions (including conditions as to the charges to be made by the holder of the licence) as the licensing authority think fit, and may at any time be revoked by the licensing authority:

Provided that the licensing authority shall not, unless, in their opinion, it is expedient so to do with a view to securing the better use of the harbour in the national interest or the economical improvement, maintenance or management thereof, either—

- (i) refuse or revoke a licence under this section or impose any conditions thereon; or
- (ii) without the consent of the applicant, grant any licence for a period of less than seven years.

(4) If any person, being an applicant for, or the holder of, any such licence, is aggrieved by any determination of the licensing authority as respects the granting or revocation of the licence, or the conditions to be attached thereto, he may appeal to the Transport Tribunal, and the tribunal shall make such order as to the grant or revocation of the licence or the conditions which are to be attached thereto as they think just and proper in all the circumstances, and the licensing authority shall give effect to their order.

(5) If any person provides any port facilities in or in connection with the harbour in such circumstances that a licence is necessary under this section, and he does so otherwise than under and in accordance with such a licence, he shall be liable on summary conviction to a fine not exceeding ten pounds, and, if the contravention in respect of which he is so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding ten pounds for each day on which the contravention is so continued.

68.—(1) Where—

- (a) a person who, on the twenty-eighth day of November, nineteen hundred and forty-six was carrying on an undertaking the activities of which consisted wholly

Right to
require
acquisition of
undertakings
providing
port facilities.

PART IV.
—*cont.*

or partly of the provision of port facilities in the harbour (hereinafter in this section referred to as "the appellant") appeals to the Transport Tribunal under subsection (4) of the last preceding section from a determination of the licensing authority in relation to the provision of port facilities in the harbour; and

- (b) the tribunal refuse, either in whole or in part, to do by their order what is asked for by the appellant on that appeal; and
- (c) the tribunal are satisfied that their refusal will involve a substantial interference with the carrying on by the appellant of some activity which he was carrying on before the said twenty-eighth day of November and which he has, up to the time of the determination which was the subject of the appeal, continued to carry on with only such intermissions, if any, as are incidental to the nature of the activity,

the tribunal may, on the application of the appellant, declare that the undertaking of the appellant, or some part thereof specified in the declaration, is to be transferred to such body, being either the licensing authority or some other body administering or taking part in administering the scheme relating to the harbour or providing port facilities thereunder, as may be specified in the declaration.

(2) Where a declaration is made under the last preceding subsection, and at the expiration of six months from the making thereof no agreement has been entered into between the appellant and the body specified in the declaration for the acquisition by that body by agreement of the undertaking or of the part of the undertaking specified in the declaration, the appellant may apply to the Minister for an order giving effect to the transfer required by the declaration and the Minister shall make an order accordingly:

Provided that the Minister may permit such an application to be made before the expiration of the said six months if he is satisfied that there is no reasonable prospect of the transfer being effected by agreement.

(3) Any such order shall apply to the transfer, with such exceptions and subject to such modifications as may be specified in the order, the provisions of this Act relating to transfers of undertakings or parts of undertakings under Part III of this Act, including provisions as to compensation:

Provided that—

- (a) where the transfer is, in the opinion of the Minister, not comparable in the material respects with the form

of transfer of the whole or part of an undertaking under Part III of this Act, the order may provide—

PART IV.
—cont.

(i) in the case of a transfer which, in the opinion of the Minister, is comparable with the form of transfer of the whole or part of an undertaking effected under Part II of this Act, for compensation on a basis reasonably comparable, in his opinion, with that of the compensation provided under this Act in respect of that form of transfer; or

(ii) in any other case, for compensation in respect of the transfer which in his opinion is proper compensation; and

(b) before making the order the Minister shall give the body specified in the declaration and the appellant an opportunity of being heard before a person appointed by the Minister for that purpose, and shall consider the report of the person so appointed.

(4) If the body specified in the declaration and the appellant so agree, the order may effect the transfer of a part only of the undertaking notwithstanding that the declaration related to the whole of the undertaking, or of the whole of the undertaking notwithstanding that the declaration related to part only thereof, or of a part of the undertaking not identical with the part of the undertaking specified in the declaration.

69. All property, rights, powers and liabilities of the Holyhead Minister as successor to the Board of Trade in respect of ^{Holyhead}harbour. Holyhead harbour shall, on the appointed day, become the property, rights, powers and liabilities of the Commission.

Coastal Shipping.

70. Without prejudice to any powers possessed by the Commission apart from the provisions of this section, the Commission shall have power to enter into and carry out agreements with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Commission, and, in particular, for facilitating the through carriage of goods, for the quoting of through rates, and for the pooling of receipts or expenses. ^{Working agreements as to coastal shipping.}

71.—(1) The Minister shall establish a Coastal Shipping Advisory Committee for the purpose of considering and from time to time reporting to the Minister on all matters which may jointly affect the interests of the Commission and those of persons engaged in coastal shipping or which the Minister may refer to them for consideration. ^{Advisory Committee as to coastal shipping.}

PART IV.
—cont.

(2) The said Committee shall consist—

- (a) of such number of members representing the interests of persons engaged in coastal shipping as the Minister thinks fit, to be appointed by him after consultation with such body or bodies as he thinks fit, being a body or bodies who appear to him to be representative of those persons; and
- (b) such number of representatives of the Commission as the Minister may determine, to be nominated by the Commission, of whom one at least shall be a member of the Commission:

Provided that the number of members of the Committee representing the interests of persons engaged in coastal shipping shall not be less than the number of representatives of the Commission on the said Committee.

(3) The Committee shall appoint their own chairman from among their own members and their procedure, including their quorum, shall be such as they may determine.

(4) If the Committee make a report to the Minister with respect to any matter, the Minister may give to the Commission such directions as he thinks fit as to the exercise of the Commission's powers with respect to that matter (being directions which, in his opinion, it is necessary that he should give for securing that efficient coastal shipping services are maintained to the extent which he considers is required in the national interest), and the Commission shall give effect to any such directions.

PART V.

THE TRANSPORT TRIBUNAL AND TRANSPORT CHARGES AND FACILITIES.

The Transport Tribunal.

Renaming of,
and other pro-
visions as to,
Railway Rates
Tribunal.

72.—(1) The Railway Rates Tribunal established under the Railways Act, 1921, shall be known as the Transport Tribunal.

(2) The following amendments shall be made in the Railways Act, 1921—

- (a) in subsection (4) of section twenty (which relates to the qualifications of the permanent members of the Transport Tribunal) for the words " a person of experience in railway business " there shall be substituted the words " a person of experience in transport business ";
- (b) in subsection (1) of section twenty-one (which authorises the tribunal to appoint officers or servants) the words " and not exceeding ten " shall be omitted;

PART V.
—cont.

- (c) in subsection (1) of section twenty-four (which relates to the panels of additional members of the tribunal) the words " upon the railways " shall be omitted and for the words from " and the other (hereinafter referred to as the railway panel) " to the end of the subsection there shall be substituted the words " and the other (hereinafter referred to as the transport panel) consisting of twelve persons nominated by the Minister from among persons who provide transport services, represent persons who provide transport services, or have had experience in the provision of transport services ";
- (d) in subsections (3) and (4) of the said section twenty-four for the words " the railway panel " there shall be substituted the words " the transport panel ";
- (e) in subsection (4) of the said section twenty-four for the words " In selecting a member from the general panel " there shall be substituted the words " In selecting a member from either panel ".
- (3) The provisions of the Tenth Schedule to this Act shall have effect with respect to the powers and procedure of the Transport Tribunal.

73.—(1) As from the appointed day, the jurisdiction conferred by section fifteen of the Road and Rail Traffic Act, 1933, on the Appeal Tribunal constituted thereunder shall be transferred to and exercised by the Transport Tribunal, and the said Appeal Tribunal shall cease to exist, and any proceedings pending before the said Appeal Tribunal at the appointed day shall be continued before the Transport Tribunal, and the Transport Tribunal may give any necessary directions as to the manner in which any such proceedings are to be so continued.

Transfer to Transport Tribunal of jurisdiction under Road and Rail Traffic Act, 1933, s. 15.

(2) As from the appointed day, subsections (2) to (9) of the said section fifteen, subsection (12) thereof, and in subsection (13) thereof the words from the beginning of the subsection to the word " but " shall be repealed, and references in that section, so far as not repealed as aforesaid, to the said Appeal Tribunal shall be construed as references to the Transport Tribunal when exercising its jurisdiction as to appeals under that section and appeals under Part III of this Act to which that section is applied.

74.—(1) If the Commission or any railway company or canal company contravene the provisions (so far as those provisions are applicable to the Commission or that company) of any of the following enactments, that is to say, section ninety of the Railways Clauses Consolidation Act, 1845, section two of the Canal Tolls Act, 1845, section eighty-three

Transfer of jurisdiction of High Court, etc.
8 & 9 Vict.
c. 20.
8 & 9 Vict.
c. 28.

PART V.

—cont.

8 & 9 Vict.

c. 33.

8 & 9 Vict.

c. 42.

26 & 27 Vict.

c. 92.

of the Railways Clauses Consolidation (Scotland) Act, 1845, section four of the Canal Carriers Act, 1845, or section thirty of the Railways Clauses Act, 1863 (which said enactments relate to equality of tolls), or any statutory provisions passed or made with respect to a particular undertaking similar to any of the provisions aforesaid, any person aggrieved by the said contravention may make an application to the Transport Tribunal in relation thereto.

(2) On any such application the tribunal may make such order as may be just, and, save as expressly provided by this Act, no other court shall have jurisdiction in the case of any such contravention as aforesaid.

Transfer of
jurisdiction of
Railway and
Canal
Commission.

75.—(1) The jurisdiction of the Railway and Canal Commission under the enactments set out in Part I of the Eleventh Schedule to this Act and under any statutory provisions passed or made with respect to a particular railway or canal or inland navigation undertaking shall be transferred to and exercised by the Transport Tribunal, and shall cease to be exercisable by the Railway and Canal Commission :

Provided that so much of this subsection as relates to statutory provisions passed or made with respect to a particular undertaking shall not apply where the jurisdiction exercisable by the Railway and Canal Commission is so exercisable pursuant to, or by virtue of an application of, any of the provisions of the Telegraph Acts, 1863 to 1943.

(2) Subject to the provisions of Part II of the said Eleventh Schedule, any reference in any statutory provision to the Railway and Canal Commission shall, in relation to any jurisdiction transferred to the Transport Tribunal by this section, be construed as including a reference to the tribunal.

(3) Nothing in the preceding provisions of this section shall be construed as affecting any jurisdiction exercisable by the Railway and Canal Commission under any statutory provisions not mentioned in Part I of the said Eleventh Schedule (other than such statutory provisions as are mentioned in subsection (1) of this section) and the said jurisdiction shall be exercised by them as if this section had not been passed, notwithstanding that the statutory provision in question incorporates or applies any of the provisions of the enactments mentioned in the said Part I.

(4) Any proceedings pending before the Railway and Canal Commission at the date of the passing of this Act, being proceedings which, if this section had been in force when they were commenced, would have had to be commenced before the Transport Tribunal, shall be continued before the tribunal, and the tribunal may give any necessary directions as to the manner in which any such proceedings are to be so continued.

Charges Schemes.

PART V.

—cont.

76. The Commission shall from time to time prepare, and submit to the Transport Tribunal for confirmation, drafts of schemes (hereafter in this Act referred to as "charges schemes") for determining, as respects the services and facilities provided by the Commission to which the schemes respectively relate—

- (a) the charges which are to be made by the Commission; and
- (b) where it is necessary or expedient so to do, the other terms and conditions which are to be applicable to the provision of those services and facilities, including, in particular, terms and conditions as to the liability of the Commission for loss or damage,

and it shall be the duty of the Commission, within two years from the passing of this Act or such longer period as the Minister may allow, to prepare and submit the draft of a scheme or, as the case may be, drafts of a series of schemes, relating to all the services and facilities provided by the Commission under paragraphs (a) to (c) of subsection (1) of section two of this Act and such other of the services and facilities provided by the Commission as the Commission are of opinion should be dealt with by charges schemes.

77.—(1) A charges scheme may, as respects any of the services and facilities to which it relates, adopt such system for the determination of the charges, or, as the case may be, the charges and other terms and conditions, which are to be applicable as may appear desirable, and in particular and without prejudice to the generality of the foregoing words, any such scheme may, as respects any of the services and facilities to which it relates—

- (a) provide, with or without exceptions, for fixed charges, maximum charges, or standard charges, that is to say, charges which are to be adhered to save as otherwise provided by any provision of the scheme, and, in particular, by any provision of the scheme relating to the making of exceptional charges, special charges or agreed charges;
- (b) provide in any such case for minimum charges;
- (c) provide for alternative sets of terms and conditions;
- (d) enable the Transport Tribunal to make orders authorising or requiring the Commission to afford special treatment, either as respects charges or as respects terms and conditions, or as respects both charges and terms and conditions, in specified cases or

PART V.
—cont.

classes of cases, and specify the persons who are to be entitled to make or oppose applications to the tribunal for such orders;

- (e) in all or any cases, leave to the Commission the determination of the charges which are to be made or the terms and conditions which are to be applicable, subject to such conditions and such limitations, if any, as may be provided for in the scheme (including, if the scheme so provides, conditions as to the approval of the charges, terms and conditions by the Transport Tribunal or conditions otherwise reserving powers to the Transport Tribunal as to the determination of the charges, terms and conditions);
- (f) make provision as to the publication of charges and of the terms and conditions which are to be applicable; and
- (g) make such provision as may be appropriate in relation to through charges,

and different provision may be made for different cases or classes of cases determined by or in accordance with the provisions of the scheme.

(2) A charges scheme may revoke or amend any previous charges scheme.

Confirmation
of charges
schemes.

78.—(1) When the Commission have submitted a draft of a charges scheme to the Transport Tribunal, the Commission shall publish it in such manner as the tribunal may direct, together with a notice specifying the time and the manner (which shall be determined by the tribunal) in which objections to the draft scheme and other representations with respect thereto may be lodged with the tribunal.

(2) An objection to a draft scheme or any other representation with respect thereto may be lodged by any of the following bodies, that is to say—

- (a) any body representative of any class of persons using the services or facilities to which the scheme will relate;
- (b) any body constituted for the purposes of any scheme for the carrying on, under national ownership or control, of any industry or part of an industry or of any undertaking, being a body using the said services or facilities.

(3) Any body representative of any class of persons providing for hire or reward services or facilities similar to or comparable with the services or facilities to which the scheme will relate who desire to contend that the charges provided

for in the draft scheme are unduly low may lodge a representation to that effect with the tribunal under this section, and the tribunal may, if they think fit, agree to hear the body with respect to that representation.

(4) As soon as may be after the time for lodging objections and representations has elapsed, the tribunal shall hold a public inquiry into the draft scheme and shall at that inquiry hear the Commission and any such bodies as are mentioned in subsection (2) of this section who desire to be heard, and any such body as is mentioned in the last preceding subsection whom the tribunal may have agreed to hear, and may then either refuse to confirm the scheme or may confirm it with such alterations, if any, as they think fit:

Provided that the tribunal shall not be bound to hear any of the bodies specified in the said subsection (2) unless that body has duly lodged with the tribunal an objection or other representation with respect to the draft scheme, and shall not hear any such body as is mentioned in the said last preceding subsection except with respect to a representation made by them under that subsection.

(5) Any scheme confirmed by the tribunal shall be published in such manner as may be specified by the tribunal in confirming the scheme and shall come into force on such date or dates as may be so specified; and the scheme shall have effect notwithstanding anything in any statutory provision relating to the subject matter of the scheme.

(6) It shall be the duty of the Commission to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purpose of deciding whether or not to confirm the scheme with or without alterations.

79.—(1) An application for the alteration of a charges scheme may be made to the Transport Tribunal either—

Alteration
of charges
scheme.

- (a) by the Commission; or
- (b) by any body representative of any class of persons using any services or facilities to which the scheme relates, being persons whose interests will be affected by the alteration; or
- (c) by any body constituted for the purposes of any scheme for the carrying on, under national ownership or control, of any industry or part of an industry or of any undertaking, being a body using any services or facilities to which the scheme relates and whose interests will be affected by the alteration; or
- (d) if and in so far as, in relation to particular matters, the scheme so provides, by any other person using any services or facilities to which the scheme relates, being a person whose interests will be affected by the alteration:

PART V.
—cont.

Provided that the tribunal shall not entertain any application under this section for the alteration of any scheme if—

- (i) less than twelve months have elapsed since the coming into force of the scheme; or
- (ii) in their opinion the application relates to a matter which has been the subject of consideration by the tribunal within the twelve months immediately preceding the making of the application; or
- (iii) in their opinion the alteration is one which owing to its magnitude ought not to be made except by an amending scheme or as the result of such a review as is provided for by the next succeeding section.

(2) Where an application is made to the Transport Tribunal under this section (not being an application which the tribunal refuse to entertain) the person making the application shall publish it in such manner as the tribunal may direct together with a notice specifying the time and manner (which shall be determined by the tribunal) in which objections to the application and other representations with respect thereto may be lodged with the tribunal by the Commission or any such body or other person as are specified in subsection (1) of this section.

(3) Any body representative of any class of persons providing for hire or reward services or facilities similar to or comparable with the services or facilities to which the scheme relates who desire to contend that the alteration sought for in the application would cause the charges made under the scheme to be unduly low may lodge a representation to that effect with the tribunal within the time and in the manner specified for objections and representations under the last preceding subsection, and the tribunal may, if they think fit, agree to hear the body with respect to that representation.

(4) As soon as may be after the time for lodging objections and representations has elapsed, the tribunal shall hold a public inquiry into the application and shall at that inquiry hear the Commission, the applicant and any such body or other person as are specified in subsection (1) of this section who desire to be heard, and any such body as is mentioned in the last preceding subsection whom the tribunal may have agreed to hear, and may then make such order, if any, with respect to the matter of the application as they think fit:

Provided that the tribunal shall not be bound to hear any body or other person, other than the Commission and the applicant, who have not duly lodged with the tribunal an

objection or other representation with respect to the application and shall not hear any such body as is mentioned in the said last preceding subsection except with respect to a representation made by them under that subsection.

PART V.
—cont.

(5) Where an order is made under the last preceding subsection altering a charges scheme, particulars of the alteration shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may specify at the time of the making of the order.

(6) It shall be the duty of the Commission to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purpose of deciding whether any, and if so what, order should be made with respect to the matter of the application.

80.—(1) The Minister may at any time require the Transport Tribunal to review the operation of any charges scheme. Review of
charges
schemes.

(2) Where the tribunal have been required by the Minister to review the operation of any charges scheme, they shall give notice of the requirement to the Commission and shall require the Commission to publish notice thereof in such manner as the tribunal may specify, together with a notice specifying the time and manner (which shall be determined by the tribunal) in which representations with respect to the scheme may be lodged with the tribunal.

(3) Representations may be lodged with the tribunal under this section by the following bodies, that is to say—

(a) any body representative of any class of persons making use of the services or facilities to which the scheme relates; or

(b) any body constituted for the purposes of any scheme for the carrying on, under national ownership or control, of any industry or part of an industry or any undertaking, being a body using the said services or facilities.

(4) Where—

(a) any body representative of any class of persons providing for hire or reward services or facilities similar to or comparable with the services or facilities to which the scheme relates desire to contend that the charges made under the scheme are unduly low; or

(b) any body representative of any class of persons making use of services or facilities provided by the Commission other than the services or facilities to

PART V.
—*cont.*

which the scheme relates desire to contend that the charges made under the scheme are unduly low and that by reason thereof the charges made for those other services or facilities are unduly high,

the body may lodge a representation to that effect with the tribunal under this section, and the tribunal may, if they think fit, agree to hear the body with respect to that representation.

(5) As soon as may be after the time for lodging representations has elapsed, the tribunal shall hold a public inquiry into the scheme and shall at that inquiry hear the Commission and any of the bodies mentioned in subsection (3) of this section who desire to be heard and such, if any, of the bodies mentioned in the last preceding subsection as the tribunal may have agreed to hear and may then alter the scheme in such manner as they think fit or may determine that no alteration is necessary, and any alteration made by the tribunal shall be published in such manner, and shall come into force on such date, as the tribunal may specify:

Provided that the tribunal shall not be bound to hear any of the bodies specified in the said subsection (3) unless that body has duly lodged with the tribunal a representation with respect to the scheme, and shall not hear any of the bodies mentioned in the said last preceding subsection except with respect to a representation made by the body in question under that subsection.

(6) It shall be the duty of the Commission to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purposes of any review under this section.

**Locus standi
of local
authorities as
regards
charges
schemes.**

81. Any reference in this Part of this Act to any body representative of any class of persons using services or facilities shall, in relation to passenger transport services provided by the Commission, include a reference to any local authority within whose area any persons using those services are resident.

Transitional provisions.

**Transitional
provisions as
to charges**

82.—(1) The Minister may at any time, if he thinks it expedient so to do with a view to ensuring a sufficient revenue to the Commission, to any of the bodies specified in the Third Schedule to this Act, to any railway company to which a schedule of charges is applied under the Railways Act, 1921, or to any light railway company to which subsection (2) of section seventy-two of that Act applies, by regulations authorise the Commission, the body or the company to make, in respect of any services or facilities provided by them the charges for which are regulated by any statutory provision, charges additional to those in operation under that provision:

Provided that before making any regulations under this subsection, the Minister shall consult with, and consider the advice of, the permanent members of the Transport Tribunal, acting as a consultative committee.

PART V.
—cont.

(2) Subsection (1) of this section shall not apply—

- (a) to any services or facilities in respect to which a charges scheme is in force; or
- (b) in the case of a body specified in the Third Schedule to this Act who are a local authority, to any services or facilities provided by that authority otherwise than in connection with the undertaking of that authority which is to vest in the Commission.

83.—(1) The provisions of this section shall have effect as respects charges made otherwise than under a charges scheme.

Transitional provisions as to exceptional rates and fares of the Commission.

(2) Where, in the opinion of the Commission, any exceptional rate which under the provisions of Part III of the Railways Act, 1921, is in operation on the date of transfer in respect of any traffic is unduly low by reason of the competition of road haulage undertakers, canal carriers or persons engaged in coastal shipping, the Commission may at any time increase that rate up to not more than sixty per cent. of the standard rate for the time being in operation under the said Act, and section thirty-eight of the said Act (which prescribes the procedure to be followed as to alterations of exceptional rates) shall not have effect in relation to such an increase:

Provided that, if any trader is aggrieved by the raising of any exceptional rate under this subsection, he may appeal to the Transport Tribunal, and if the tribunal are satisfied that the Commission were not justified in raising the rate under this subsection, they may order the lower rate to be restored from such date as they may determine and the Commission shall give effect to that order.

(3) So much of sections thirty-seven, thirty-eight and forty-one of the said Act as requires the granting or reduction of exceptional rates or the charging of exceptional fares to be reported to the Minister or enables the Minister to refer any such matter to the Transport Tribunal shall not apply to rates and fares of the Commission, and accordingly, in relation to the Commission—

- (a) the said section thirty-seven shall have effect as if in subsection (1) thereof, the words from “which rates” to “reported to the Minister”, and the whole of subsection (2), were omitted;

PART V.
—*cont.*

(b) subsection (2) of the said section thirty-eight shall have effect as if the words from " but any such reduction " to the end of the subsection were omitted; and

(c) the said section forty-one shall have effect as if the words from " but the circumstances " to the end of the section were omitted.

(4) In its application to the Commission, subsection (II) of section thirty-seven of the Road and Rail Traffic Act, 1933 (which relates to agreed charges for the carriage of merchandise) shall have effect as if the words from " where the Tribunal " where those words first occur to the words " the Minister may allow, and " were omitted.

(5) In its application to the Commission, section thirty-nine of the Road and Rail Traffic Act, 1933 (which relates to agreed charges and exceptional rates competing with coastal shipping) shall have effect as if—

(a) in subsection (2) for the words " If at any time a representation is made to the Minister " there were substituted the words " A representation may at any time be made to the tribunal ", and the words from " the Minister shall consult " to the end of the subsection were omitted;

(b) in subsections (3) and (5), for the word " reference " there were substituted the word " representation ".

Temporary additional jurisdiction of Transport Tribunal as to classification of merchandise.

84. The Transport Tribunal shall in relation to charges made by any of the bodies specified in the Third Schedule to this Act or, otherwise than under a charges scheme, by the Commission as the successors to any such body, have power, on the application of the body, of the Commission, of any person interested or of any body representative of any class of persons interested, to alter the classification of merchandise which is in operation under any statutory provision in relation to charges made in connection with any canal or inland navigation.

Overriding and miscellaneous provisions.

Overriding provisions as to exercise by Commission and Transport Tribunal of their powers as to charges.

85. Neither the Commission nor the Transport Tribunal shall do anything in the exercise of their respective powers as respects charges and the submission, confirmation and alteration of charges schemes which in their opinion will prevent the Commission from discharging the Commission's general duty to secure that their revenue is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue taking one year with another, or which in their opinion will prevent the Commission from giving effect to any direction of the Minister under any provision of this

Act; and it is hereby declared that the duty of the Commission to give effect to such directions as aforesaid includes a duty to make such applications and to do such other things in relation to the making or alteration of charges schemes as are required in order to give effect to any such direction.

PART V.
—cont.

86. After the passing of this Act, no annual review of charges shall be held under section fifty-nine of the Railways Act, 1921, and no general revision or variation of standard charges shall be carried out under section thirty-five of that Act, and no general revision of fares shall be carried out under sections twenty-nine or thirty-four of the London Passenger Transport Act, 1933. Discontinu-
ance of annual
review of
charges, etc.

87.—(1) Subject as in this section provided, the Minister may by regulations terminate as respects the Commission the system of rebates provided for by the Railway Freight Rebates Enactments, 1929 to 1943, and provide for the winding up of the Railway Freight Rebates Fund and for payment of any balance standing to the credit thereof to the Commission, without prejudice, however, to any relief from rates provided for by any Act. Provisions as
to railway
freight rebates.

(2) The period of suspension of coal rebates provided for by section one of the Railway Freight Rebates Act, 1943, shall continue until the date on which the system of railway freight rebates provided for by the Railway Freight Rebates Enactments, 1929 to 1943, is terminated by regulations made under subsection (1) of this section. 6 & 7 Geo. 6.
c. 23.

(3) The amounts which under section two of the said Act are to be paid to the Minister of Fuel and Power shall be paid to the Minister, at such times and in such manner as the Treasury may direct, and shall be applied by him in such manner as he thinks fit and as the Treasury may approve so as to reduce transport charges in Great Britain, including, if the Minister thinks fit and the Treasury approve, charges for the carriage of goods by sea to or from any point in Great Britain from or to any other point in Great Britain.

(4) Subsection (3) of the said section two shall cease to have effect and the reference in subsection (2) of section five of the said Act to the Minister of Fuel and Power shall be construed as a reference to the Minister.

(5) Any regulations made under subsection (1) of this section so as to come into operation—

(a) before a scheme under section thirty-eight of this Act as to the property, rights, powers and liabilities of the Railway Clearing House has come into operation; or

PART V.
—*cont.*

- (b) without such a scheme having come into operation, before the whole of the Railway Clearing House (Railway Freight Rebates Fund) Redeemable $2\frac{1}{2}$ per cent. Stock 1937-52 (issued in pursuance of powers conferred by section sixty-eight of and the Eleventh Schedule to the Local Government Act, 1929, and the Railway Freight Rebates Act, 1936, and in this section referred to as "the Rebates Stock") has been purchased or redeemed and cancelled by the Railway Clearing House,

shall provide that the principal of and the interest on any amount of the Rebates Stock outstanding immediately before the date of coming into operation of the regulations shall as from that date become a liability of the Commission, and all sums payable by the Commission for interest or repayment of principal or into any sinking fund for repayment of principal in respect of the Rebates Stock shall be paid out of the revenue of the Commission and shall have the same priority as payment of rates over other payments thereout to the extent of any relief from rates provided for by any Act.

PART VI.

FINANCE.

Borrowing
powers of the
Commission.

88.—(1) The Commission may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft or otherwise, such sums as the Commission may require for meeting their obligations or discharging their functions under this Act:

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Commission under this subsection shall not at any time exceed twenty-five million pounds.

(2) The Commission may, with the consent of the Minister and the approval of the Treasury, borrow money by the issue of British transport stock for all or any of the following purposes, that is to say—

- (a) the provision of money for meeting any expenses incurred in connection with any permanent work the cost of which is properly chargeable to capital;
- (b) the redemption of any British transport stock;
- (c) the provision of working capital;
- (d) the provision of money required to satisfy any right to compensation in respect of the transfer to the Commission of the whole or any part of an undertaking which, under any provision of this Act, is to be defrayed in cash, not being money required to

pay compensation to officers or servants or to make to a local authority periodical payments in respect of any of their securities;

- (e) the purchase, otherwise than simply by way of investment, of any securities of any body corporate which is carrying on or about to carry on or which directly or indirectly controls another body corporate which is carrying on or about to carry on, any such activities as are specified in subsection (1) of section two of this Act;
- (f) the provision of any money, not being money properly chargeable to revenue, which is required for lending to, or is required to be paid under any guarantee given for the benefit of, any such body corporate as is mentioned in the last preceding paragraph or any other person who is carrying on or about to carry on any such activities as are therein mentioned;
- (g) any other purpose for which capital moneys are properly applicable, including the repayment of any money temporarily borrowed under subsection (1) of this section for any of the purposes mentioned in the preceding paragraphs of this subsection:

Provided that the total amount borrowed under this subsection, otherwise than for the purposes specified in paragraphs (b) and (d) thereof, shall not exceed two hundred and fifty million pounds.

The reference in paragraph (d) of this subsection to any provision of this Act includes a reference to any provision thereof applied, with or without modifications, by any scheme or order under this Act.

(3) Save as aforesaid, the Commission shall not borrow any money.

89.—(1) The Commission—

- (a) may create and issue any stock required for the purpose of exercising their powers under the last preceding section;
- (b) shall create and issue such stock as is required for the purpose of satisfying any right to compensation which under any provision of this Act is to be satisfied by the issue of British transport stock; and
- (c) may, with the consent of the Minister and the approval of the Treasury, create and issue stock in order to satisfy the whole or any part of the amount payable by them on the acquisition of the whole or part of any other undertaking acquired by them by agreement;

British transport stock.

PART VI.
—*cont.*

and the stock so created and issued is in this Act referred to as " British transport stock ":

Provided that the creation and issue of stock under paragraph (c) of this subsection shall be deemed for the purposes of the proviso to subsection (2) of the last preceding section to be a borrowing by the Commission of the amount satisfied by the creation and issue of the stock.

The reference in paragraph (b) of this subsection to compensation which under any provision of this Act is to be satisfied by the issue of British transport stock includes a reference to compensation which is to be so satisfied under any provision of this Act as applied by any scheme or order made under this Act.

(2) The British transport stock which is to be created and issued under paragraph (b) of subsection (1) of this section in satisfaction of a claim to compensation of any amount shall subject to the provisions of the Fifth Schedule to this Act be such stock as is, in the opinion of the Treasury, equal in value at the date of the issue to that amount, regard being had to the market value of government securities at that date.

(3) Subject to the provisions of this section and of the said Fifth Schedule, British transport stock shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such provisions as may be prescribed by regulations made by the Minister, with the approval of the Treasury, and any such regulations may, in relation to any British transport stock, apply with or without modifications any provision of the Local Loans Act, 1875, or of any enactments relating to stock issued by a local authority.

38 & 39 Vict.,
c. 83.

(4) Notwithstanding anything in the two last preceding subsections, so much of any British transport stock created and issued in satisfaction of compensation in the case of any of the bodies specified in the Third Schedule to this Act as represents securities specified in Part III of the Fourth Schedule to this Act, shall be of the same nominal amount, shall carry interest at the same rates and payable at the same dates, and shall be redeemed at the same dates and on the same notice and by payment of the same amounts, as in the case of the securities.

(5) Any British transport stock in which no person is interested except the Commission shall be cancelled.

**Treasury
guarantees.**

90.—(1) The principal of and the interest on any British transport stock created and issued under paragraph (b) of subsection (1) of the last preceding section or created and issued for borrowing money for the purposes specified in paragraph (d) of subsection (2) of the last but one preceding section, shall be guaranteed by the Treasury, and the Treasury

may guarantee, in such manner and on such conditions as they think fit, the redemption or repayment of, and the payment of any interest on, any other British transport stock or any temporary loan raised by the Commission.

PART VI.
—cont.

(2) Any sums required by the Treasury for fulfilling any such guarantee as is provided for by subsection (1) of this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof (hereinafter referred to as "the Consolidated Fund"), and any such sums shall be repaid, together with interest thereon at such rate as the Treasury may determine, by the Commission to the Treasury in such manner and over such period as the Treasury may, after consultation with the Minister, determine.

(3) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(4) Where any sum is issued out of the Consolidated Fund under this section, the Treasury shall forthwith lay before each House of Parliament a statement that that sum has been so issued.

91. Any sums in the hands of the Commission which are not immediately required by them for the purposes of their business may be invested by them in such manner as they think proper. Ordinary powers of investment.

92.—(1) Without prejudice to the power of the Commission to establish appropriate reserves for replacements or other purposes, the Commission shall establish and maintain a general reserve. General reserve.

(2) The management of the general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall be as the Commission may determine:

Provided that—

- (a) no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Commission; and
- (b) the Minister may, with the approval of the Treasury, give to the Commission directions as to any matter relating to the establishment or management of the general reserve or the carrying of sums to the credit thereof, or the application thereof, and the Commission shall give effect to any such directions.

(3) It is hereby declared that one of the purposes of the general reserve is the prevention of frequent fluctuations in the

PART VI.
—*cont.*

charges made by the Commission, and the powers of the Commission in relation to the general reserve shall be exercised accordingly.

Sums which
are to be
chargeable to
revenue.

93. The Commission shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper allocations to general reserve, proper provision for depreciation or renewal of assets and proper provision for redemption of capital, and all payments (including the payments which are by the relevant provisions of this Act, or by any other relevant statutory provision, to be deemed to be capital payments) which fall to be made, in lieu of any other form of compensation, to any local authority in that year in respect of any undertaking transferred to the Commission, and references in this Act to charges properly chargeable to revenue shall be construed accordingly.

Accounts and
statistics.

94.—(1) The Commission—

- (a) shall cause proper accounts and other records in relation thereto to be kept; and
- (b) shall prepare an annual statement of accounts in such form and containing such particulars, compiled in such manner, as the Minister may from time to time direct with the approval of the Treasury.

(2) The said annual statement shall be so framed as to provide, as far as may be, separate information as respects the principal activities of the Commission, and, in combination with the periodical statistics and returns rendered by the Commission, to show, as far as may be, the financial and operating results of each such activity, and the Minister and the Treasury shall exercise their powers under this section accordingly.

(3) The accounts of the Commission shall be audited by an auditor or auditors to be appointed annually by the Minister and in accordance with a scheme of audit approved by him and, if the Minister so directs, the accounts of the Commission as respects any part of their undertaking specified in the direction shall be separately audited by an auditor or auditors so appointed as aforesaid.

(4) So soon as the accounts of the Commission have been audited as aforesaid, they shall send a copy of the statement of accounts referred to in paragraph (b) of subsection (1) of this section to the Minister, together with a copy of the report made by the auditor or auditors on that statement, and a copy of that statement and of any such report shall be included in the report which is under Part I of this Act to be laid by the Minister annually before each House of Parliament.

(5) The Commission shall compile and render to the Minister such periodical statistics and returns relating to each of their principal activities in such forms and at such times as the Minister may direct, and the Minister shall lay a copy of any such statistics and returns before each House of Parliament:

PART VI.
—cont.

Provided that, in giving any directions under this subsection, the Minister shall have regard to the desirability of requiring the Commission to compile and render statistics and returns on a basis which, in his opinion, is reasonably comparable with that of the statistics and returns required at the date of the passing of this Act to be rendered by railway and canal companies by or under the enactments mentioned in the next succeeding subsection.

(6) Sections nine and ten of the Regulation of Railways Act, 1871, sections thirty-two and thirty-nine of the Railway and Canal Traffic Act, 1888, the Railway Companies (Accounts and Returns) Act, 1911, and section seventy-seven of the Railways Act, 1921 (which relate to the keeping of and audit of accounts of railway companies, and the making of returns and the keeping of statistics by railway and canal companies) and, except in so far as the Minister may by order otherwise provide, so much of any other statutory provision as relates to the accounts, statistics and returns to be kept or made by the owners of undertakings transferred to the Commission (whether in whole or in part and whether by agreement or otherwise), or as relates to the audit or publication of any such accounts, shall not apply to the Commission. 34 & 35 Vict. c. 78.

PART VII.

CONDITIONS OF EMPLOYMENT, PENSIONS AND COMPENSATION TO OFFICERS AND SERVANTS.

Conditions of Employment.

95.—(1) It shall be the duty of the Commission, except so far as the Commission are satisfied that adequate machinery exists for achieving the purposes of this subsection, to seek consultation with any organisation appearing to the Commission to be appropriate, with a view to the conclusion between the Commission and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

General provisions as to terms and conditions of employment of staff, etc.

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Commission, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and

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—*cont.*

- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Commission, and the discussion of other matters of mutual interest to the Commission and such persons, including efficiency in the operation of the Commission's services.

(2) Where the Commission conclude such an agreement as is mentioned in the last preceding subsection or any variation is made in such an agreement, the Commission shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour and National Service.

(3) Without prejudice to the generality of the provisions of this Act relating to the effect of a delegation of powers of the Commission to an Executive, it is hereby declared that the preceding provisions of this section require to be satisfied separately as respects the persons under the control of each Executive or under the direct control of the Commission itself, and references in the preceding provisions of this section to the Commission shall be construed accordingly:

Provided that where such an agreement as is mentioned in subsection (1) of this section is concluded by an Executive, or any variation is made in such an agreement by an Executive, the Executive concerned shall forthwith transmit particulars of the agreement or the variation to the Commission and the Commission shall then transmit those particulars to the Minister and the Minister of Labour and National Service.

(4) Nothing in this section shall be construed as prohibiting the Commission or any Executive from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the safety, health and welfare of their workers and the discussion of other matters of mutual interest to them and their workers.

Provisions as to Part IV of Railways Act, 1921, and Part VI of London Passenger Transport Act, 1933.
23 & 24 Geo. 5.
c. 14.

96.—(1) Any agreement made under the last preceding section to which the National Union of Railwaymen, the Associated Society of Locomotive Engineers and Firemen, and the Railway Clerks Association are parties may amend or supersede any of the provisions of sections sixty-two to sixty-six of the Railways Act, 1921, or of Part VI of the London Passenger Transport Act, 1933, but unless and until such provision is made by such an agreement, those enactments, as adapted by the provisions of this Act, shall continue in force.

(2) It shall not be necessary for there to be separate councils under section sixty-three of the Railways Act, 1921, for each of the parts of the undertaking of the Commission which

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correspond to the undertakings of the several railway companies and there may, under the said section sixty-three, be councils established or operating for two or more of the said parts, and subsection (1) of the said section sixty-three shall have effect accordingly.

(3) Section sixty-five of the Railways Act, 1921, shall, subject to the provisions of any such agreement as is mentioned in subsection (1) of this section, have effect as from the date of transfer as if for the reference to the General Managers' Committee of the Railway Clearing House there were substituted a reference to the Commission.

(4) In subsection (1) of section sixty-six of the Railways Act, 1921, the reference to the employees employed by the railway companies mentioned in subsection (2) of that section shall, as from the date of transfer, be construed as a reference to the employees employed by the Commission in the parts of their undertaking corresponding to the undertakings of those railway companies.

97.—(1) Arrangements shall be made for establishing a Police force conference consisting of an equal number of representatives conference. of the Commission and of the members of the police forces of the Commission, to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police forces of the Commission shall be referred.

(2) In the event of disagreement between the two sides of the conference, an independent chairman shall be appointed with power to give binding decisions, such chairman to be chosen by mutual agreement or failing agreement to be nominated by the Minister of Labour and National Service.

(3) On the appointed day, section sixty-seven of the Railways Act, 1921 (which provides for separate railway police conferences) shall cease to have effect.

Pensions.

98.—(1) The Minister may make regulations for all or any Provisions as of the following purposes, that is to say— to pension rights.

(a) for providing pensions to or in respect of—

(i) persons who are or have been in the employment of the Commission or any body in whom there vests or to whom there is transferred any undertaking or part of an undertaking under any of the provisions of a scheme or order made under this Act;

(ii) persons who have been employed in any undertaking the whole of which under or by virtue of any of the provisions of this Act or of a scheme

PART VII.

—cont.

or order made thereunder or under any agreement vests in or is transferred to the Commission or any other body but who have not been taken into the service of the Commission or that body;

(iii) persons who are or have been employed in any undertaking part of which under or by virtue of any of the provisions of this Act or of a scheme or order made thereunder or under any agreement vests in or is transferred to the Commission or any other body, being persons who have been employed in connection with any activities of that undertaking which are transferred to the Commission or that body but who have not been taken into the service of the Commission or that body;

(iv) persons who are or have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House;

(b) for the establishment and administration of pension schemes and pension funds for any of the purposes of the preceding paragraph, for the continuance, amendment, repeal or revocation of existing pension schemes relating in whole or in part to any of the like purposes and of statutory provisions relating thereto and trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part, or for the extinguishment, of liabilities under any such existing pension schemes, and for the transfer in whole or in part, or winding up, of pension funds held for the purposes of any such existing pension schemes, so, however, that nothing in this paragraph shall be construed as authorising the diversion of any such funds to purposes other than those of the preceding paragraph;

(c) for making any provision consequential on any such provision as aforesaid, including provision for the dissolution or winding up of bodies, whether incorporated or not, the continued existence whereof is unnecessary having regard to the regulations.

(2) Where provision is made by any such regulations for the amendment, repeal or revocation of any existing pension scheme or of any statutory provisions relating thereto or any trust deed, rules or other instrument made for the purposes thereof, or for the transfer or extinguishment of any liability under any pension scheme or for the transfer or winding up of any pension fund held for the purposes of any such scheme, the regulations shall be so framed as to secure that persons

having pension rights under the scheme, whether such persons as are mentioned in paragraph (a) of the last preceding subsection or not, are not placed in any worse position by reason of the amendment, repeal, revocation, transfer, extinguishment or winding up:

PART VII.

—cont.

Provided that this subsection shall have effect subject to such limitations as may be prescribed for meeting cases in which, in connection with any provision made by this Act or in anticipation of the making of any such provision, pension rights have been created otherwise than in the ordinary course.

(3) Regulations made under this section shall not be invalid by reason that in fact they do not secure that persons having pension rights are not placed in any worse position by reason of any such amendment, repeal, revocation, transfer, extinguishment or winding up as is mentioned in the last preceding subsection, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such regulations have failed to secure that result, the Minister shall as soon as may be make the necessary amending regulations.

Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any regulations made under this section shall be referred to a referee or board of referees appointed by the Minister of Labour and National Service after consultation with the Lord Chancellor or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereon.

(4) Without prejudice to the generality of the preceding provisions of this section, regulations made under this section may contain provisions authorising any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of the Commission or of an Executive being treated as if his service as a member of the Commission or of an Executive, as the case may be, were service in the employment of the Commission, and the pension rights of any such persons resulting from the operation of any such provision shall not be affected by any provision of this Act which requires that the pensions, if any, which are to be paid in the case of members of the Commission or an Executive are to be determined by the Minister with the approval of the Treasury or by the Commission with the approval of the Minister and the Treasury.

(5) Nothing in this section shall authorise the making of regulations relating to an existing pension scheme which provide for the payment by any person carrying on an undertaking or part of an undertaking in which persons to whom that scheme relates are employed, being an undertaking which, or such part of an undertaking as, has not vested

PART VII.
—*cont.*

in or been transferred to the Commission or any body by or under this Act or any scheme or order made thereunder—

- (a) of contributions in respect of the services of persons who are no longer employed in that undertaking or part of an undertaking rendered after they cease to be so employed; or
- (b) of contributions in respect of persons who are employed in that undertaking or part of an undertaking in excess of the contributions provided for by the existing pension scheme.

(6) Nothing in this section, and in particular nothing in subsection (2) thereof, shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the **9 & 10 Geo. 6. National Insurance Act, 1946,** to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act. **c.64.**

(7) Regulations made under this section may contain such supplementary and consequential provisions as the Minister thinks necessary, including provisions as to the manner in which questions arising under the regulations are to be determined and provisions adapting, modifying or repealing statutory provisions.

(8) Regulations made for the purposes of this section may be made so as to have effect from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making thereof shall not place any person other than the Commission in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

Special provisions as to railway and canal pension funds, etc.

99.—(1) The provisions of this section shall, subject to any regulations made under the last preceding section, have effect in relation to pension schemes relating in whole or in part to the undertakings of the bodies specified in the Third Schedule to this Act and in relation to pension rights of persons who have been in the employment of any such body.

(2) The provisions of this Act which direct that liabilities of a body shall become, as from the date of transfer, liabilities of the Commission shall apply in relation to customary obligations of the body in relation to pensions, notwithstanding that the body was under no legal obligation in respect of those pensions; and if any question arises as to the existence or extent of any such customary obligation, the question shall, in default of agreement, be referred for determination to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord

Chancellor or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, and the decision of that referee or board shall be final and the Commission shall give effect to that decision.

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—cont.

(3) Any officer or servant of the Commission, in whatever part of the undertaking of the Commission he is employed, may, with the consent of the Commission and the managers of the scheme, become a participant in any such scheme as is mentioned in subsection (1) of this section, and all service in the employment of the Commission rendered by any person while he is a participant under any such scheme shall be treated for the purposes of the scheme as if it were service in connection with the part of the undertaking of the Commission which represents the undertaking to which the scheme related before the date of transfer.

(4) Any person who, being a participant in any such scheme, becomes a member of the Commission or of an Executive shall, unless he otherwise elects in writing not more than one month after his appointment, be treated as if his service as a member of the Commission or of the Executive, as the case may be, were service in the employment of the Commission, and his pension rights resulting from the operation of this subsection shall not be affected by any provision of this Act which requires that the pensions, if any, which are to be paid in the case of members of the Commission or an Executive are to be determined by the Minister with the approval of the Treasury or by the Commission with the approval of the Minister and the Treasury.

100.—(1) This section shall have effect in relation to any person to whom the Treasury may direct that it shall apply, being a person who—

Super-
annuation
rights of cer-
tain officers
transferred to
the Ministry
of Transport.

(a) was, immediately before the date of transfer, in the employment of any of the bodies mentioned in the Third Schedule to this Act, but has by arrangement with that body acted continuously as an officer of the Minister since before the end of the year nineteen hundred and forty-two; and

(b) was, immediately before the date of transfer, a participant in any such scheme as is mentioned in the last preceding section; and

(c) becomes, on the date of transfer, an officer of the Minister; and

(d) consents that this section shall apply to him.

(2) On the date of transfer, the said person shall cease to be a participant in the scheme, and he shall pay over to the Minister any return of contributions made to him under the scheme.

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—cont.

(3) Any whole time service rendered by a person as an officer of the Minister on or after the date of transfer, and any service rendered by him, whether to the State or not, before the date of transfer while he was a participant in the scheme shall be treated for the purposes of the Superannuation Acts, 1834 to 1946, as service in the permanent civil service of the state in an established capacity.

Compensation.

Compensation
to officers and
servants in
connection
with transfers.

101.—(1) The Minister shall by regulations require the Commission to pay, in such cases and to such extent as may be specified in the regulations, compensation—

- (a) to officers or servants of any person whose undertaking is transferred to the Commission by Part II of this Act; or
- (b) to officers or servants of any person whose undertaking or part of whose undertaking is transferred to the Commission by notice of acquisition given under Part III of this Act; or
- (c) to officers or servants employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour; or
- (d) to officers or servants employed by a body which, immediately before the date of transfer under Part II of this Act, was completely controlled by one or more of the bodies specified in the Third Schedule to this Act; or
- (e) to officers or servants employed by or in connection with the Railway Clearing House,

being officers or servants who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence—

- (i) in the cases mentioned in paragraphs (a) to (c) of this subsection, of the transfer effected by Part II of this Act, the transfer effected in pursuance of the notice, or the transfer effected by the provisions of this Act relating to the said Caledonian and Crinan Canals and Holyhead Harbour, as the case may be;
- (ii) in the cases mentioned in paragraph (d) of this subsection, of the transfer effected by Part II of this Act; and
- (iii) in the cases mentioned in paragraph (e) of this subsection, of the transfer effected by the said Part II or the coming into operation of any provision of a scheme under this Act relating to the Railway Clearing House.

(2) Different regulations may be made under this section in relation to different classes of persons and different classes of transfers, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the Commission in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

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—*cont.*

(3) Regulations made under subsection (1) of this section—

(a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the persons by whom the question whether any or what compensation is payable is to be determined; and

(b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State,

and where any such provision is made as is specified in paragraph (b) of this subsection, the decision of the referee or board of referees shall be final.

(4) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(5) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under the Third Schedule to the Railways Act, 1921, or Part VII of the London Passenger Transport Act, 1933.

(6) For the purposes of this section, a body shall be deemed to be completely controlled by one or more other bodies if and only if it is a body with a share capital and no person other than one or more of the following persons, that is to say—

(a) the other bodies aforesaid;

(b) bodies themselves completely controlled by one or more of those other bodies; and

(c) persons holding not more than one share each as subscribers to the Memorandum of Association of the body in question

PART VII.
—*cont.*

has any beneficial interest in any of that share capital which carries voting rights, not being voting rights exercisable only in the event of a default in the payment of dividend, or in any other special circumstances defined in the Articles of Association of the body in question.

Compensation
to officers and
servants in
other cases.

102.—(1) The Minister shall not regard as satisfactory for the purposes of sub-paragraph (1) of paragraph 1 of the Eighth Schedule to this Act any scheme which provides for the transfer of the whole or any part of any undertaking, and shall not give his approval to any agreement providing for the transfer of the whole or any part of an undertaking which, under any provision of this Act, requires his approval, unless he is satisfied that appropriate provision has been or will be made by the scheme or agreement for the payment by the transferee in the appropriate cases and to the appropriate extent of compensation to officers and servants who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the transfer in question.

(2) Where under any provision of this Act an agreement for the transfer of an undertaking or part of an undertaking to the Commission can be made without the approval of the Minister, the agreement shall contain such provisions in relation to the matters specified in subsection (1) of this section as the Minister may by general direction to the Commission require.

(3) Any order by the Minister giving effect to the transfer to the Commission or any other body of the whole or part of a canal carrier undertaking, or an undertaking providing port facilities, with respect to which a declaration has been made under the provisions of this Act by the Transport Tribunal, shall, notwithstanding any power of the Minister to except provisions of this Act from application to such a transfer, include such provision as appears to him appropriate in relation to the matters specified in subsection (1) of this section.

Fees and
allowances on
references
under Part VII
to referees.

103. The Minister of Labour and National Service may, with the consent of the Treasury, pay, out of moneys provided by Parliament,—

- (a) to any referee or to the members of any board of referees appointed by him under any provision of this Part of this Act or under any such provision of a scheme or agreement as is referred to in subsection (1) of the last preceding section or under any such provision of an order as is mentioned in subsection (3) of the last preceding section such fees and allowances as he may with the consent of the Treasury determine; and

- (b) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.

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—cont.

104. Nothing in the Arbitration Acts, 1889 to 1934, shall be construed as applying to any proceedings before a referee or board of referees appointed under this Part of this Act by the Minister of Labour and National Service.

Arbitration Acts do not apply to proceedings before referees or boards of referees.

PART VIII.

SETTLEMENT OF QUESTIONS ARISING IN CONNECTION WITH COMPULSORY ACQUISITIONS.

105.—(1) For the purpose of performing the functions specified in this Part of this Act, there shall be established a tribunal to be called "The Transport Arbitration Tribunal" (in this Act referred to as the arbitration tribunal).

Establishment of Transport Arbitration Tribunal.

(2) The arbitration tribunal shall consist of—

- (a) one member, to be appointed by the Lord Chancellor, who shall be a person of legal experience and shall, subject to the provisions of this subsection, be the president of the tribunal;
- (b) one member, to be appointed by the Lord President of the Court of Session, who shall be a person of legal experience in Scotland; and
- (c) two members, to be appointed by the Lord Chancellor, of whom one shall be a person of experience in business and one shall be a person of experience in finance:

Provided that the person appointed under paragraph (a) of this subsection shall not act in relation to any proceedings which, under the provisions of this Part of this Act, are to be treated as Scottish proceedings; and the person appointed under paragraph (b) of this subsection shall only act in relation to such proceedings and, in relation thereto, shall act as president of the tribunal.

(3) The members of the arbitration tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for reappointment:

Provided that—

- (a) a member may at any time by notice in writing to the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, resign his office;

PART VIII.
—cont.

(b) the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, may declare the office of any member vacant on the ground of incapacity to perform the duties of the office or misbehaviour;

(c) if any member becomes bankrupt or makes an arrangement with his creditors, his office shall thereupon become vacant.

(4) If any member of the arbitration tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, shall appoint some other fit person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the person in whose place he is appointed.

(5) The arbitration tribunal may, at any stage in any proceedings before them, refer the proceedings for hearing and determination to a person or persons appointed by them for the purpose, and where any proceedings are so referred, the person or persons to whom the proceedings are referred shall be deemed to constitute the tribunal for the purposes of those proceedings and shall have all the powers and duties of the tribunal in relation to the hearing and determination thereof.

Procedure and
enforcement
of orders of
arbitration
tribunal.

106.—(1) The arbitration tribunal shall be a court of record and have an official seal, which shall be judicially noticed, and any order of the tribunal shall be enforceable as if it were an order of the High Court.

(2) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—

(a) the administration of oaths and the taking of affirmations; and

(b) the correction in awards of mistakes and errors; and

(c) the summoning, attendance and examination of witnesses and the production of documents; and

(d) the costs of the reference and award,

shall, with any necessary modifications, apply in respect of any proceedings before the arbitration tribunal, but save as aforesaid the said Acts shall not apply to any such proceedings.

(3) The arbitration tribunal may, and if so ordered by the Court of Appeal shall, state in the form of a special case for determination by the Court of Appeal any question of law which may arise before them.

(4) The Minister shall have a right to be heard in all proceedings before the arbitration tribunal.

(5) Subject to the provisions of this section, the procedure in or in connection with any proceedings before the arbitration

tribunal shall be such as may be determined by rules to be made by the tribunal with the approval of the Lord Chancellor.

PART VIII.
—cont.

(6) In relation to proceedings which, under this Part of this Act, are to be treated as Scottish proceedings, this section shall have effect subject to the following modifications—

(a) for subsections (2) and (3), there shall be respectively substituted the following subsections—

“(2) The arbitration tribunal shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses as if the arbitration tribunal were an arbiter under a submission.

(3) The arbitration tribunal may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and the decision of that Court thereon shall be final unless the Court of Session or the House of Lords give leave to appeal to the House of Lords, which leave may be given on such terms as to expenses or otherwise as the Court of Session or the House of Lords may determine.

(b) in subsection (5), for the reference to the Lord Chancellor there shall be substituted a reference to the Secretary of State,

and, in the case of any such proceedings, the tribunal shall, except in so far as for special reasons they think fit not to do so, sit in Scotland.

107.—(1) The arbitration tribunal may, subject to the consent of the Treasury as to numbers, appoint such officers and servants as they consider necessary for assisting them in the proper execution of their duties. Staff and expenses of arbitration tribunal.

(2) There shall be paid to the members of the arbitration tribunal and to any such officer or servant as aforesaid such remuneration (whether by way of salaries, fees or allowances) as the Minister may, with the approval of the Treasury, determine.

(3) There shall be paid to any person to whom proceedings are referred by the arbitration tribunal under the preceding provisions of this Part of this Act for hearing and determination such remuneration as the tribunal may, with the approval of the Treasury, determine.

(4) Any such remuneration as aforesaid and any other expenses of the arbitration tribunal shall be defrayed in the first instance by the Minister out of moneys provided by

PART VIII.
—cont.

Parliament but the amounts from time to time so paid by the Minister shall be repaid on demand to the Minister by the Commission.

Agreements
as to amount
of compensa-
tion.

108.—(1) Subject to the provisions of this Part of this Act, no sum shall be paid to any person by the Commission by way of or on account of compensation under Part III of this Act except in pursuance of an agreement with that person confirmed by the arbitration tribunal under this section or of an order of that tribunal under the next succeeding section:

Provided that the confirmation of the tribunal shall not be required in the case of an agreement for the payment of compensation to any person if the total amount of the compensation payable to him thereunder does not exceed twenty thousand pounds.

(2) The arbitration tribunal shall not confirm any agreement which requires their confirmation unless they are satisfied either—

- (a) that the relevant facts have been fully investigated and the amount agreed to be paid is believed by the parties to the agreement to represent, with as much accuracy as is possible, the amount required to be paid on a strict application of the relevant provisions of this Act; or
- (b) that the amount agreed to be paid represents a reasonable estimate of the amount which would ultimately be found to be payable if the relevant facts were fully ascertained and the relevant provisions of this Act strictly applied thereto, and that further investigation of the facts would cause undue delay or expense; or
- (c) that the amount to be paid represents a reasonable compromise of a disputed claim:

Provided that where the arbitration tribunal are not so satisfied as aforesaid but would have been so satisfied if a different sum had been fixed by the agreement, they may direct that the agreement shall have effect as if such sum as the tribunal may specify were substituted in the agreement for the sum therein mentioned, and where such a direction is given the like consequences shall follow as would have followed if the agreement had originally been made with that substitution and the agreement had then been confirmed by the tribunal.

(3) Where the compensation to which any such agreement as aforesaid relates arises out of or in connection with the transfer of an undertaking having its principal place of business in Scotland, the proceedings shall, subject to the provisions of this Part of this Act, be treated as Scottish proceedings.

109.—(1) Subject to the provisions of this Part of this Act, the arbitration tribunal shall have sole jurisdiction to determine any dispute to which the Commission is a party as to any of the following questions that is to say—

PART VIII.
—*cont.*
Jurisdiction
of arbitration
tribunal as
to disputes.

- (a) the question whether any or what sum is payable to any person by way of compensation or interest on compensation in respect of the transfer to the Commission, under any of the provisions of this Act, of an undertaking, a part of an undertaking, any property or any hire purchase agreement;
- (b) whether any or what sum is repayable to the Commission in respect of an overpayment of any such compensation as aforesaid or of interest thereon;
- (c) whether the acquisition of any property, or the making or variation of any agreement or contract, with respect to which a notice of disclaimer is given by the Commission under any provision of this Act, was or was not reasonably necessary for the purposes mentioned in that provision, or was or was not an act of unreasonable imprudence on the part of the body or person therein mentioned;
- (d) whether any such notice of disclaimer is in any other respect invalid; or
- (e) any other question required by any provision of this Act to be determined by the arbitration tribunal.

(2) Where a dispute arises out of or in connection with the transfer of an undertaking having its principal place of business in Scotland or of a railway wagon the owner of which has his principal place of business in Scotland, the proceedings before the tribunal in respect of the dispute shall, subject to the provisions of this Part of this Act, be treated as Scottish proceedings.

110.—(1) Subject to the provisions of this Part of this Act, where, under any provision of this Act, an undertaking or part of an undertaking or any property or any rights under any contract or agreement are transferred to the Commission and it appears to the arbitration tribunal on or after the expiration of twelve months from the date of transfer that the compensation payable by reason of the transfer has not been entirely and finally settled, the arbitration tribunal may require the Commission to bring before the tribunal all questions outstanding as to the compensation so payable, and the Commission shall as soon as may be submit those questions to the tribunal accordingly.

Powers of
arbitration
tribunal
where delay
in settlement
of compensation.

(2) Where any question is submitted under this section to the arbitration tribunal, the tribunal may determine the amount of compensation which is to be payable to any person,

PART VIII.

—cont.

and for that purpose may require the Commission or any other person affected to give to the tribunal such information as the tribunal may require, and the tribunal may, if they think fit and are satisfied that further investigation of the facts would cause undue delay or expense, fix, as the amount to be paid, a sum estimated by them to be reasonably equivalent to the amount which would ultimately be found to be payable if the relevant facts were fully ascertained and the relevant provisions of this Act strictly applied thereto.

(3) The Commission shall, so far as may be necessary for the purpose of enabling the arbitration tribunal to exercise their functions under the preceding provisions of this section, keep the tribunal informed as to any acquisitions made by them under any of the provisions of this Act.

(4) Where the undertaking has its principal place of business in Scotland or the property or rights are situate in Scotland, the proceedings of the tribunal shall, subject to the provisions of this Part of this Act, be treated as Scottish proceedings.

Transfer of
proceedings
from England
to Scotland
and from
Scotland to
England.

111.—(1) If, at any stage in any proceedings before the arbitration tribunal which would not otherwise fall to be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of Scottish law arise or for any other reason, the proceedings ought thereafter to be treated as Scottish proceedings, the tribunal may order that they shall thereafter be so treated, and the provisions of this Part of this Act shall have effect accordingly.

(2) If, at any stage in any proceedings before the arbitration tribunal which would otherwise be treated as Scottish proceedings, the tribunal are satisfied that, by reason of the fact that questions of English law arise or for any other reason, the proceedings ought no longer to be treated as Scottish proceedings, they may make an order that the proceedings shall thereafter not be treated as Scottish proceedings and the provisions of this Part of this Act shall have effect accordingly.

Special
provisions
as to officers
and servants.

112. Nothing in the preceding provisions of this Part of this Act shall apply to any compensation payable under regulations made under Part VII of this Act for providing compensation to officers or servants.

Application
to schemes.

113. Any reference in the preceding provisions of this Part of this Act to any provision of this Act includes a reference to that provision as applied, with or without modifications, by any scheme or order made under any other provision thereof, and, except so far as the contrary is expressly provided by the scheme or order, any reference in this Part of this Act to the Commission shall, in relation to a scheme or order providing for a transfer to a body other than the Commission, be deemed, in relation to that transfer, to include a reference to that body.

PART IX.

MISCELLANEOUS AND GENERAL.

114.—(1) Where, under Part II of this Act or under any scheme made under Part IV of this Act, any undertaking to which this section applies is transferred from a local authority to the Commission or to a body constituted or specified under such a scheme, the Commission or that body, as the case may be, shall pay to the authority whose undertaking is transferred the appropriate sum as compensation under this section. Additional compensation to local authorities.

(2) The undertakings to which this section applies are—

- (a) any undertaking of a local authority which falls to be transferred under Part II of this Act;
- (b) any undertaking which, at the passing of this Act, is being carried on by a local authority, being an undertaking which could be transferred to the Commission or to some other body as aforesaid under a scheme under Part IV of this Act;

and the expression “ the appropriate sum ” means, in relation to any undertaking to which this section applies, such sum as may be specified in relation to that undertaking by regulations made by the Minister, so, however, that the total of all the appropriate sums for undertakings the activities whereof consist wholly or partly of operating passenger road transport services does not exceed two and a half million pounds and the total of all the appropriate sums for other undertakings does not exceed two hundred thousand pounds.

(3) This section shall apply in relation to a transfer of a part of an undertaking to which this section applies as it applies in relation to the whole of that undertaking, except that the sum payable by way of compensation under this section shall be such part of the appropriate sum as may be determined by the Minister; and the total of the sums so determined by the Minister in relation to parts of an undertaking shall not exceed the appropriate sum for the whole of that undertaking.

(4) The compensation payable under this section shall be payable in cash and shall be in addition to any compensation payable under any provision of this Act, or under any other provision of this Act as applied by a scheme; and the references in Part IV of this Act to provisions of this Act relating to compensation shall be deemed not to include references to this section.

(5) In this section, the expression “ local authority ” includes the council of a county district.

PART IX.

—*cont.*

Right of
pre-emption
for local
authorities in
certain cases.

115.—(1) Where, on the occasion of the acquisition by the Commission, whether by agreement or otherwise, of the whole or any part of any undertaking of any local authority, the Commission acquire any land theretofore held by the local authority for the purposes of that undertaking, the local authority shall, for a period of ten years from the date of the acquisition of the land, have the right of pre-emption conferred by the subsequent provisions of this section.

(2) If the Commission, within the said period of ten years, desire to dispose, whether absolutely or for a term of years, of any of that land as being land not required by them for the discharge of their duties under this Act, they shall before disposing of it give to the local authority at least three months' notice, stating whether they desire to dispose of it absolutely and, if not, stating the term of years for which they desire to dispose of it.

(3) Where the local authority receive a notice under subsection (2) of this section and notify the Commission, before the expiration of the period of three months from the date of the Commission's notice, that they desire to acquire the land either absolutely or for the term of years specified in the Commission's notice, as the case may be, they shall have the right and be under an obligation to acquire that land, on such terms as may be agreed between the Commission and the authority or, in default of agreement, as may be determined by arbitration to be fair and reasonable having regard to all the circumstances of the case.

(4) The right of pre-emption conferred upon the local authority by this section shall be deemed to be an estate contract within the meaning of section ten of the Land Charges Act, 1925, and that Act and the Land Registration Act, 1925, shall have effect accordingly.

(5) In this section, the expression "local authority" includes the council of a county district.

Treatment
of Travel
Agencies.

116. The Commission shall secure that, in the treatment, in like circumstances, of travel agencies, no discriminatory practices are introduced after the date of transfer as between travel agencies which are directly or indirectly controlled by the Commission and other travel agencies existing at the date of the passing of this Act, or as between such other travel agencies.

Renaming of
Traffic
Commissioners
and licensing
authorities.

117. The Traffic Commissioners appointed under Part IV of the Road Traffic Act, 1930, for any area shall be known as "The Licensing Authority for Public Service Vehicles", and the licensing authority for the purposes of Part I of the Road and Rail Traffic Act, 1933, for any area shall be known as

"The Licensing Authority for Goods Vehicles", and references in this Act or in any other statutory provision shall be construed accordingly.

PART IX.
—cont.

118.—(1) The provisions of the Twelfth Schedule to this Act (being provisions consequential on the transfer effected by Part II of this Act of the undertaking of the Lee Conservancy Board) shall have effect with respect to the constitution and membership of the Lee Conservancy Catchment Board. Special provisions as to River Lee.

(2) Notwithstanding anything in the said Part II, the functions of the Lee Conservancy Board, so far as they are declared by regulations made under this section to be functions relating to water supply, fisheries, pollution or land drainage to which it is expedient that this subsection should apply, shall, in lieu of becoming exercisable by the Commission, become exercisable by the Lee Conservancy Catchment Board.

(3) Any such regulations as aforesaid shall be made by the Minister, the Minister of Agriculture and Fisheries and the Minister of Health acting jointly, on the application either of the Commission or of the Lee Conservancy Catchment Board, and any such regulations may include provision—

(a) for securing that any property, rights, powers or liabilities of the Lee Conservancy Board which would otherwise become by virtue of the said Part II property, rights, powers or liabilities of the Commission shall, wholly or in part, become property, powers, rights or liabilities of the Lee Conservancy Catchment Board;

(b) for repealing or modifying any provision made by or under any statutory provision, so far as it appears to the said Ministers necessary or expedient so to do for giving effect to the other provisions of the regulations;

(c) for making such other consequential or incidental provision as appears to the said Ministers to be necessary or expedient.

(4) Until the appointed day and save in so far as may be otherwise agreed between the Commission and the Lee Conservancy Catchment Board, the said Board—

(a) shall, as agents for the Commission, carry on that part of the undertaking of the Commission which corresponds to the undertaking of the Lee Conservancy Board and, for that purpose, have all such rights and powers as are transferred to the Commission from the Lee Conservancy Board by this Act; and

PART IX.
—*cont.*

- (b) shall, as respects the carrying on thereof, give effect to any directions as to the exercise of the said rights and powers which may from time to time be given to them by the Commission; and
- (c) shall, to such extent as may be agreed between them and the Commission or as may, in default of agreement, be determined by the Minister and the Minister of Agriculture and Fisheries acting together, be entitled, on payment of such sums to the Commission as may be so agreed or determined, to make use, for the purposes of their own undertaking, of the services of officers and servants employed and property held by the Commission for the purposes of the said part of the Commission's undertaking.

**Miscellaneous
regulation-
making
powers.**

119. Without prejudice to any other provision of this Act providing for the making of regulations, the Minister may make regulations—

- (a) prescribing anything which under this Act is to be prescribed;
- (b) specifying the manner in which any documents required or authorised by this Act to be served on any person are to be so served;
- (c) making provision for the safe custody and redelivery or disposal of any property found on or in any premises, vessels or vehicles belonging to the Commission and fixing the charges to be made by the Commission in respect thereof;
- (d) providing for the registration of the title of the Commission to property vesting in them under or by virtue of any provision of this Act, being property of a kind subject to provision for the registration of title thereto;
- (e) authorising the Commission or any person the whole or any part of whose undertaking has been or is to be the subject of a transfer under this Act to the Commission to inspect property or inspect or make extracts from or take copies of documents in the custody or under the control of that person or of the Commission, as the case may be.

**Other pro-
visions as to
orders and
regulations.**

120.—(1) Any order made under this Act by the Minister may be revoked or varied by a subsequent order made in the like manner and subject to the like conditions.

(2) Any regulations made under this Act by the Minister or by any other Minister of the Crown or government department, other than those made under section one hundred and

one of this Act, shall be laid before Parliament immediately after they are made, and, if either House, within a period of forty days after the regulations are so laid before it, resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

PART IX.
—cont.

(3) In reckoning for the purposes of the last preceding subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations and orders made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies. 56 & 57 Vict
c. 66.

121.—(1) If any person, in giving any information, making any claim or giving any notice for the purposes of any provision of this Act, or any regulation or order made thereunder, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine. Penalties.

(2) If any person contravenes any provision of this Act or any regulation or order made thereunder and no other penalty is provided in relation to the contravention, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the contravention in respect of which he is so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding five pounds for each day on which the contravention is so continued.

(3) Where any offence against this Act or any regulation or order made thereunder has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and in all the circumstances.

PART IX.

—*cont.*

Power of
Minister as to
inquiries.

Administra-
tive expenses
and receipts by
Government
departments.

122. The Minister may hold inquiries for the purposes of his powers and duties under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

123.—(1) Any administrative expenses incurred in the execution of this Act by the Minister or by any other Minister of the Crown or Government department shall be paid out of moneys provided by Parliament.

(2) Any sums received by the Minister or by any other Minister of the Crown or Government department under or by virtue of this Act, other than any sum received by the Minister under section two of the Railway Freight Rebates Act, 1943, as amended by the provisions of Part V of this Act, shall be paid into the Exchequer.

Board of
Trade
documents

124. All documents purporting to be made or issued by the Board of Trade for any of the purposes of this Act and to be sealed with the seal of the Board, or to be signed by a secretary, under secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board, shall be received in evidence and deemed to be a document so made or issued without further proof, unless the contrary is shown.

Interpretation.

125.—(1) In this Act, except so far as the contrary is expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“ abnormal indivisible load ” means a load which—

(i) cannot without undue expense or undue risk of damage be divided into two or more loads for conveyance on a road; and

(ii) owing to its dimensions or weight can only be carried by motor vehicles or trailers the use of which on roads is lawful only by reason of an order of the Minister made under proviso (b) to subsection (1) of section three of the Road Traffic Act, 1930;

“ alteration,” in relation to a charges scheme under Part V of this Act, includes an addition, and “ alter ” shall be construed accordingly;

“ amalgamated company ” has the same meaning as in the Railways Act, 1921;

“ borrow,” in relation to the Commission or any other body, does not include—

(a) the receipt of money by the Commission or that body in the course of the carrying on of a savings bank operated for the benefit of the employees of the Commission or that body, or the use

by the Commission or that body of money so received; or

PART IX.
—cont.

(b) the receipt or use by the Commission or that body of moneys received by trustees carrying on such a savings bank as aforesaid; or

(c) the receipt or use by the Commission or that body of moneys of a pension fund established for the purposes of a pension scheme in which employees of the Commission or that body are participants.

“ canal carrier undertaking,” means an undertaking consisting wholly or partly of the carriage of goods by canal or inland navigation;

“ charges ” includes fares, rates, tolls and dues of every description;

“ coastal shipping ” means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or Eire, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;

“ contravention ”, in relation to any provision of this Act or of any regulation or order made thereunder, includes a failure to comply with the requirements of that provision, and “ contravene ” shall be construed accordingly.

“ director ”, in relation to a body the affairs whereof are managed by the members thereof without any board of directors or similar body, means a member of the body;

“ dividend ” includes any distribution of profits by way of bonus or otherwise;

“ dock ” includes any pier, jetty or other place at which ships can ship or unship goods or passengers;

“ emoluments ” includes any allowances, privileges or benefits, whether obtaining legally or by customary practice;

“ harbour ” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock;

“ hire purchase agreement ” and, in relation to a hire purchase agreement, “ hirer ” have the same meanings as in the Hire Purchase Act, 1938;

1 & 2 Geo. 6.

“ inland waterway ” includes every such waterway whether natural or artificial;

PART IX.
—*cont.*

- “ liability ” includes an obligation;
- “ local authority ” means the council of a county, the Common Council of the City of London, or the council of a county borough;
- “ meat ” means carcases of animals, parts of carcases of animals, or offals of animals, being carcases, parts of carcases or offals suitable for human consumption, whether fresh, chilled or frozen, but not being carcases, parts of carcases or offals which have been cooked or subjected to any process other than skinning, trimming or cleaning;
- “ the Minister ” means the Minister of Transport or the Minister of War Transport;
- “ mortgage or other like incumbrance ” means a mortgage, a pledge or a charge or lien for securing money or money’s worth, and in relation to a mortgage or other like incumbrance “ the incumbrancer ” means the mortgagee, pledgee or person entitled to the benefit of the charge or lien, as the case may be;
- “ officer ” includes a managing director and a director whose functions are substantially those of an employee but does not include any other director, and “ employment ” and “ employed ” shall be construed accordingly;
- “ operating centre ” has the meaning assigned to it by sections fifty-eight and sixty-two of this Act;
- “ ordinary furniture removal ” means the removal of furniture or effects, not being part of the stock in trade of the person to whom they belong, from or to premises occupied by that person to or from other premises occupied by him or to or from a store, not being the store of a person from whom he has recently purchased or hired the furniture or effects or to whom he has sold or is about to sell the furniture or effects;
- “ participant ” means, in relation to a pension scheme, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise howsoever) contributes or has contributed under the scheme and has pension rights thereunder;
- “ passenger road transport service ” means a service of express carriages, stage carriages, tramcars or trolley vehicles carrying passengers;
- “ passenger transport service ” means a passenger road transport service or a service carrying passengers by rail;
- “ pension ”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a

PART IX.

—cont.

gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person;

“ pension fund ” means a fund established for the purposes of paying pensions;

“ pension rights ” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension;

“ pension scheme ” includes any form of arrangements for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;

“ port facilities ” means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof, the berthing, towing, moving or dry-docking of a ship which is in, or is about to enter, or has recently left a harbour, the loading or unloading of goods, or embarking or disembarking of passengers in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour;

“ privately owned ”, in relation to a railway wagon, means owned by any person other than the Commission, a railway company or a light railway company;

“ property ” does not include a mere contractual right;

“ railway wagon ” does not include any wagon constructed for use otherwise than on standard gauge railways; ,

“ repayment or distribution of capital ” includes any distribution by way of bonus or otherwise not made wholly out of profits and also includes any distribution of assets made otherwise than in cash;

“ securities ”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, any perpetual annuities, and any other security of a like nature of the body corporate and, in the case of a local authority, includes a mortgage created under Part IX of the Local Government Act, 1933, or any ^{23 & 24 Geo. 5.} similar enactment, and a mortgage given to the ^{c. 51.} Public Works Loan Commissioners;

“ ship ” includes every description of vessel used in navigation;

“ statutory provision ” means a provision whether of a general or a special nature contained in, or in any

PART IX.
—*cont.*

document made or issued under, any Act, whether of a general or a special nature;

“superimposed trailer” means a trailer which is normally attached to the vehicle that draws it in such a manner that part of the trailer is superimposed upon that vehicle and that not less than twenty per cent. of any load evenly distributed upon the trailer is borne by that vehicle;

“Transport Tribunal” means the tribunal heretofore known as the Railway Rates Tribunal.

(2) Except in so far as the context otherwise requires, expressions used in Part III of this Act have the same meanings as in the Road and Rail Traffic Act, 1933, and expressions used in any provision of this Act in relation to the carriage of passengers by road have the same meanings as in the Road Traffic Act, 1930.

(3) In this Act, except in so far as the context otherwise requires, the expression “the appointed day” means such day as the Minister may by order appoint, and different days may be appointed for different purposes and different provisions of this Act.

(4) The provisions of the Thirteenth Schedule to this Act shall have effect for the purpose of determining whether or not any body corporate directly or indirectly controls any other body corporate.

(5) Any reference in this Act to the transfer of the whole or any part of an undertaking includes a reference to any such transfer as is effected in consequence of the giving in relation to that undertaking of a notice of acquisition under Part III of this Act.

(6) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

Application
to Scotland.

126.—(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) In the application to Scotland of any provision of this Act the following expressions, except where the context otherwise requires, shall have the meanings respectively assigned to them—

“disclaim” includes abandon, and the expression “disclaimer” shall be construed accordingly;

“hire purchase agreement” means any contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies or would apply if the limitation as to value contained in section one of that Act were omitted, and the expression “hirer” shall be construed accordingly;

"local authority" means a county or town council;

PART IX.
—cont.

"mortgage or other like incumbrance" means a heritable security (within the meaning of the Conveyancing (Scotland) Act, 1924, but exclusive of a real burden *ad factum praestandum*), or a pledge, charge or lien for securing money or money's worth, and "incumbrancer" means the creditor in a heritable security, or the pledgee or person entitled to the benefit of the charge or lien.

14 & 15 Geo. 5.
c. 27.

(3) For any reference to the Minister of Health (except in section thirty-four) there shall be substituted a reference to the Secretary of State.

(4) Any reference to a Bill in Parliament shall include a reference to an order under the Private Legislation Procedure (Scotland) Act, 1936.

26 Geo. 5 &
1 Edw. 8. c. 52

(5) Any question or dispute which is required by this Act to be determined by arbitration (other than a question or dispute required to be determined by the arbitration tribunal) shall be determined by a single arbiter appointed, in default of agreement, by the Court of Session or the sheriff on the application of either party to the question or dispute. At any stage of the proceedings in any such arbitration, the arbiter may, and shall if so directed by the Court of Session, state a case for the opinion of that court on any question of law arising in the arbitration.

(6) Section twenty-four shall have effect as if for publication under subsection (1) in the London Gazette, there were substituted, in the case of a body having its principal office in Scotland, publication in the Edinburgh Gazette.

(7) Section thirty-one shall have effect as if in subsection (3) thereof paragraph (a) of the proviso were omitted.

(8) Section thirty-four shall have effect as if for any reference to the quinquennial period beginning in April nineteen hundred and fifty-one there were substituted a reference to the quinquennial period beginning at the term of Whit-Sunday nineteen hundred and fifty-three.

(9) Section forty-nine shall have effect as if in subsection (1) paragraph (a) of the proviso were omitted.

(10) Any inquiry in relation to an order embodying a scheme under section sixty-three or section sixty-six of this Act affecting Scotland only, shall, if the Minister so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction is so given—

(a) it shall be deemed to have been given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945; and

9 & 10 Geo. 6.
c. 18.

PART IX.
—*cont.*

(b) if publication of notice in accordance with paragraph 2 of the Eighth Schedule to this Act has been made, the provisions of subsection (1) of the aforesaid section two with regard to advertisement of notice shall be deemed to have been complied with.

(11) Section one hundred and nineteen shall have effect as if there were added at the end thereof the following paragraph—

(f) providing for the completion of the title of the Commission to heritable property vesting in them by virtue of this Act by the execution and recording in the General Register of Sasines of conveyances of or instruments relating to such property.

(12) Any order of the Transport Tribunal or of the arbitration tribunal may be recorded for execution in the books of council and session and shall be enforceable accordingly.

Application to
Northern
Ireland.

127.—(1) So much of Part II of this Act as relates to the transfer to the Commission of the undertakings of the bodies specified in the Third Schedule to this Act, and, in relation to any such transfer and to the undertakings to which any such transfer relates, the provisions of Parts I, VI, VII, VIII and IX of this Act, shall extend to Northern Ireland.

(2) The provisions of this Act which, by virtue of the preceding subsection, extend to Northern Ireland shall in their application to Northern Ireland have effect subject to the modifications specified in the Fourteenth Schedule to this Act.

10 & 11 Geo. 5.
c. 67.

(3) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day within the meaning of that section.

(4) Save as is provided in this section, this Act shall not extend to Northern Ireland.

Short title,
and repeal.

128.—(1) This Act may be cited as the Transport Act, 1947.

(2) The enactments specified in the Fifteenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule—

(a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act;

(b) in the case of the enactments specified in Part II of that Schedule, as from the first day of January, nineteen hundred and forty-eight;

(c) in the case of the enactments specified in Part III of that Schedule, as from the appointed day.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PROVISIONS AS TO BRITISH TRANSPORT COMMISSION.

1. The Commission shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

2. The Commission may act notwithstanding a vacancy among the members thereof.

3. The quorum of the Commission shall be three, and, subject as aforesaid, the Commission may regulate their own procedure.

4. The application of the seal of the Commission shall be authenticated by the signatures of the chairman of the Commission or some other member of the Commission authorised by the Commission to authenticate the application of the seal thereof, and of the secretary of the Commission or some person authorised by the Commission to act in his stead in that behalf.

5. Every document purporting to be an instrument issued by the Commission and to be sealed as aforesaid or to be signed on behalf of the Commission shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

SECOND SCHEDULE.

Section 5.

PROVISIONS AS TO EXECUTIVES.

1. Each Executive shall consist of a chairman and not less than four nor more than eight other members appointed by the Minister after consultation with the Commission from among persons who appear to the Minister to have had wide experience and shown capacity in transport, industrial, commercial or financial matters, in administration or in the organisation of workers.

2.—(1) Every member of an Executive shall hold and vacate office in accordance with the terms of his appointment, and shall hold office on such terms and conditions (including terms and conditions relating

2ND SCH.

—*cont.*

to remuneration and pensions) as may be determined from time to time by the Commission with the approval of the Minister and the Treasury ;

Provided that any member may at any time by notice in writing to the Commission resign his office.

(2) A member of an Executive shall, on ceasing to be a member, be eligible for re-appointment.

(3) A person shall be disqualified for being appointed or being a member of an Executive so long as he is a member of the Commons House of Parliament.

(4) Before appointing a person to be a member of an Executive, the Minister shall satisfy himself that the person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Executive and the Minister shall also satisfy himself from time to time with respect to every member of an Executive that he has no such interest ; and any person who is, or whom the Minister proposes to appoint to be, a member of an Executive shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this sub-paragraph.

(5) Any remuneration or pension payable under this paragraph shall be paid by the Commission.

3. Every Executive shall be a body corporate with perpetual succession and a common seal.

4. Every Executive may act notwithstanding any vacancy among the members thereof, and the quorum and procedure of every Executive shall be such as the Executive may from time to time determine.

5. The application of the seal of an Executive shall be authenticated by the signature of the chairman of the Executive or some other member of the Executive authorised by the Executive to authenticate the application of the seal thereof and of an additional person authorised by the Executive to authenticate the application of the seal thereof.

6. Every document purporting to be an instrument issued by an Executive and to be sealed as aforesaid or to be signed on behalf of the Executive shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

THIRD SCHEDULE.

BODIES WHOSE UNDERTAKINGS ARE TRANSFERRED TO
COMMISSION.

Sections 12, 16,
21, 22, 23, 25,
26, 27, 38, 82,
84, 89, 99, 100,
101, 127 and
Sch. 5.

PART I.

Railway Undertakers.

The Southern Railway Company.
 The Great Western Railway Company.
 The London and North Eastern Railway Company.
 The London Midland and Scottish Railway Company.
 The London Passenger Transport Board.
 The East Kent Light Railways Company.
 The Kent and East Sussex Light Railway Company.
 The King's Lynn Docks and Railway Company.
 The Mersey Railway Company.
 The Shropshire Railways Company.
 The Shropshire and Montgomeryshire Light Railway Company.
 The Easton and Church Hope Railway Company.
 The Forth Bridge Railway Company.
 The North Devon and Cornwall Junction Light Railway Company.
 The Southport and Cheshire Lines Extension Railway Company.
 The Weymouth and Portland Railway Company.
 The Whitechapel and Bow Railway Company.
 The Manchester, South Junction and Altrincham Railway Company.
 The Oldham, Ashton-under-Lyne and Guide Bridge Junction Railway Company.
 The West London Extension Railway Company.
 The Cheshire Lines Committee.
 The Great Central and Midland Joint Committee (Lessors).
 The Great Central and Midland Joint Committee (Lessees).
 The Great Central and North Staffordshire Railway Committee.
 The Great Central and North Western Railways Joint Committee.
 The Great Central, Hull and Barnsley and Midland Committee.
 The Great Western and Great Central Railways Joint Committee (Lessors).
 The Great Western and Great Central Railways Joint Committee (Lessees).
 The London Midland and Scottish and Great Western Railways Joint Committee (Severn and Wye and Severn Bridge Railway).
 The Methley Railway Joint Committee.
 The Metropolitan and Great Central Joint Committee.
 The Midland and Great Northern Railways Joint Committee.
 The Norfolk and Suffolk Joint Railways Committee.
 The Somerset and Dorset Railway Joint Committee.
 The South Yorkshire Joint Line Committee.
 The Whitechapel and Bow Railway Joint Committee.
 The Axholme Joint Railway Committee.
 The Dumbarton and Balloch Joint Railway.
 The Dundee and Arbroath Joint Railway.
 The East London Railway Joint Committee.
 The Great Northern and London and North Western Joint Committee.

3RD SCH.

—cont.

The Grangemouth Branch Railway.
 The Great Western and Great Central (Banbury Junction Railway) Joint Committee.
 The Halifax and Ovenden Joint Committee.
 The Halifax High Level Joint Committee.
 The Hammersmith and City Railway Joint Committee.
 The London Midland and Scottish and Great Western Railways Joint Committee.
 The Metropolitan and London and North Eastern Railway Companies —Watford Joint Railway Committee.
 The Mid-Nottinghamshire Joint Railways Committee.
 The Otley and Ilkley Joint Line Committee.
 The Princes Dock Branch Joint Railway.
 The Midland and North-Eastern Railway Companies Committee.
 The Tottenham and Hampstead Joint Committee.
 The Birkenhead Railway Company.
 The Hammersmith and City Railway Company.
 The Shrewsbury and Hereford Railway Company.
 The Tenbury Railway Company.
 The West Cornwall Railway Company.
 The West London Railway Company.
 Any other body whose members consist wholly of, or of representatives of, two or more of the above mentioned bodies.

PART II.

Canal and inland navigation undertakers.

The Undertakers of the Aire and Calder Navigation.
 The Sheffield and South Yorkshire Navigation Company.
 The Aire and Calder and River Dun Navigations Joint Committee.
 The Company of Proprietors of the Birmingham Canal Navigations.
 The Company of Proprietors of the Calder and Hebble Navigation.
 The Company of Proprietors of the Coventry Canal Navigation.
 The Grand Union Canal Company.
 The Leeds and Liverpool Canal Company.
 The Lee Conservancy Board.
 The Lord Mayor, Aldermen and Citizens of the City of Nottingham (in respect of the Trent Navigation undertaking).
 The Oxford Canal Company.
 The Severn Commissioners.
 The Sharpness Docks and Gloucester and Birmingham Navigation Company.
 The Staffordshire and Worcestershire Canal Company.
 The Company of Proprietors of the Stourbridge Navigation.
 The Trent Navigation Company.
 The Weaver Navigation Trustees.
 The Company of Proprietors of the Herefordshire and Gloucestershire Canal Navigation.

FOURTH SCHEDULE.

Sections 16, 17,
89 and Sch. 5.SECURITIES TO BE REPLACED BY BRITISH
TRANSPORT STOCK.

PART I.

Securities valued by reference to official quotations.

(1)		(2)		
Description of Security.		Value of Security (per £100 nominal value).		
Name of body by which security was issued.	Nature of Security.	£	s.	d.
The Southern Railway Company.	4% Debenture stock	128	3	9
	5% Debenture stock	139	10	0
	4% Redeemable debenture stock (1962-67).	113	10	0
	4% Redeemable debenture stock (1970-80).	115	3	9
	5% Guaranteed preference stock	137	0	0
	5% Redeemable guaranteed preference stock (1957).	115	7	6
	5% Preference stock	124	8	9
	5% Redeemable preference stock (1964).	115	7	6
	Preferred ordinary stock ...	77	12	6
	Deferred ordinary stock...	24	0	0
The Great Western Railway Company.	2½% Debenture stock	95	10	0
	4% Debenture stock	128	3	9
	4½% Debenture stock	128	13	9
	4½% Debenture stock	130	7	6
	5% Debenture stock	142	7	6
	5% Rent charge stock	139	13	9
	5% Consolidated guaranteed stock	137	0	0
	5% Consolidated preference stock	125	3	9
	5% Redeemable preference stock (1950).	106	10	0
	Consolidated ordinary stock ...	59	1	3
The London Midland and Scottish Railway Company.	4% Debenture stock	118	13	9
	5% Redeemable debenture stock (1952).	108	17	6
	4% Guaranteed stock	107	18	9
	4% Preference stock	85	8	9
	5% Redeemable preference stock (1955).	105	10	0
	4% Preference stock (1923)	62	15	0
	Ordinary stock	29	10	0

4TH SCH.
—cont.

(1)		(2)		
Name of body by which security was issued.	Description of Security.	Value of Security (per £100 nominal value).		
	Nature of Security.	£	s.	d.
The London and North Eastern Railway Company.	3% Debenture stock	103	5	0
	4% Debenture stock	118	7	6
	4½% Sinking fund debenture stock.	107	10	0
	4% First guaranteed stock ...	106	17	6
	4% Second guaranteed stock ...	100	15	0
	4% First preference stock ...	58	5	0
	5% Redeemable preference stock (1955).	103	13	9
	4% Second preference stock ...	29	5	0
	5% Preferred ordinary stock ...	7	6	3
	Deferred ordinary stock... ..	3	12	6
The London Passenger Transport Board.	London Transport 4½% A stock (1985–2023).	133	3	9
	London Transport 5% A stock (1985–2023).	142	3	9
	London Transport 5% B stock (1965–2023).	128	3	9
	London Transport C stock (1956 or thereafter).	67	3	9
The Great Central and Midland Joint Com- mittee (Lessors).	Great Central and Midland 3½% guaranteed stock.	101	10	0
The Great Western and Great Central Rail- ways Joint Commit- tee (Lessors).	Great Western and Great Central 3½% guaranteed stock.	102	10	0
The Midland and Great Northern Railways Joint Committee.	3% Midland and Great Northern Joint Line rent charge stock.	88	0	0
The Whitechapel and Bow Railway Com- pany.	4% Debenture stock	112	10	0
The Birkenhead Rail- way Company.	4½% Perpetual preference stock	124	10	0
	4% Consolidated stock	112	3	9
The Shrewsbury and Hereford Railway Company.	6% Rent charge stock	159	10	0
The Great Western, Bristol and Exeter and South Devon Railway Companies.	4½% Joint rent charge stock. ...	115	10	0
The Forth Bridge Railway Company.	Debenture stock	109	0	0
	Ordinary stock	104	17	6

(1) (2) 4TH SCH.
Description of Security. —cont.

Name of body by which security was issued.		Nature of Security.	Value of Security (per £100 nominal value).		
			£	s.	d.
The Mersey Railway Company.	Railway	4% New first perpetual debenture stock.	116	15	0
		4% Perpetual debenture stock (Act 1866).	116	12	6
		3% Perpetual debenture stock (Act 1871).	97	0	0
		3% Perpetual debenture stock (Acts 1882-3-5).	97	0	0
		3% Perpetual B debenture stock	97	0	0
		3% Perpetual preference stock...	76	0	0
The Sheffield and South Yorkshire Navigation Company.		Consolidated ordinary stock ...	36	7	6
		4½% Preference stock ...	22	0	0
The Company of Proprietors of the Birmingham Canal Navigations.		Consolidated stock ...	103	15	0
The Grand Union Canal Company.	Union	3% Perpetual debenture stock...	87	10	0
		5½% Perpetual debenture stock	111	17	6
		4% Grand Union Canal development loan No. 1 debenture stock (redeemable 1953).	102	10	0
		Capital (ordinary) stock ...	21	5	0
The Leeds and Liverpool Canal Company.		3½% Debenture stock ...	79	10	0
		Consolidated ordinary stock ...	13	8	9
The Lee Conservancy Board.		4% Debenture stock ...	117	10	0
The Sharpness Docks and Gloucester and Birmingham Navigation Company.		4% Debenture stock ...	96	10	0

PART II.

Other securities, not being securities guaranteed by the Treasury.

Name of body by which Security was issued.	Nature of Security.
The Southern Railway Company ...	Perpetual annuities.
The Ross and Monmouth Railway Company (Great Western Railway Company).	3½% Redeemable debentures of £100 each.
The London and North Eastern Railway Company.	The L.M.S. Railway (Midland) loan. West Hartlepool "primary charges"; Hartlepool and Clarence class C preference shares.
The London Passenger Transport Board	London Transport 4½% L.A. stock (1975-2023).

4TH SCH.
—cont.

<i>Name of body by which Security was issued.</i>	<i>Nature of Security.</i>
The Whitechapel and Bow Railway Company.	Shares.
The Oldham, Ashton-under-Lyne and Guide Bridge Junction Railway Company.	Shares.
The Tenbury Railway Company ...	4½% shares of £10 each.
The Easton and Church Hope Railway Company.	4½% Debenture stock. 5% Preference stock. Ordinary shares.
The North Devon and Cornwall Junction Light Railway Company.	5% Debenture stock. Ordinary shares.
The Shropshire Railways Company ...	5% Debenture bonds. 5% First Debenture stock. 5% Second Debenture stock. 4½% Prior charge debenture stock. Ordinary stock.
The Weymouth and Portland Railway Company.	4½% Debenture stock. 4% Debenture stock. Consolidated stock.
The East Kent Light Railways Company	5% Debenture stock. Ordinary shares.
The Kent and East Sussex Light Railway Company.	4% Debenture stock. 3% Headcorn guaranteed stock. Ordinary shares.
The King's Lynn Docks and Railway Company.	4½% Debenture stock. 5% Preference stock (1884). 4% Preference stock (1869). 4% Consolidated preference stock. Capital stock. Extension capital stock. Ordinary Shares.
The Shropshire and Montgomeryshire Light Railway Company.	
The Hammersmith and City Railway Company.	5% Irredeemable £10 preference shares (1864). 5% Irredeemable £10 preference shares (1865) (fully paid). 5% Irredeemable £10 preference shares (1865) (£2 paid). Consolidated Ordinary stock.
The Shrewsbury and Hereford Railway Company.	4½% Rent charge stock.
The West Cornwall Railway Committee	West Cornwall guaranteed 5% stock.
The West London Railway Company ...	3½% First class preference (class "A") shares. 6% Second class preference (class "B") shares. 2% Ordinary (class "C") shares.
The Southport and Cheshire Lines Extension Railway Company.	3% Guaranteed debenture stock. 2½% Perpetual preference stock. Ordinary stock.
The Undertakers of the Aire and Calder Navigation.	Terminable Loans. 3½% Irredeemable debenture stock. 4% Redeemable debenture stock. Ordinary stock.

<i>Name of body by which Security was issued.</i>	<i>Nature of Security.</i>
The Sheffield and South Yorkshire Navigation Company.	3% Debenture stock. Ordinary shares (fully paid). Ordinary shares (£4 paid).
The Company of Proprietors of the Birmingham Canal Navigations.	4% Perpetual debenture stock.
The Company of Proprietors of the Calder and Hebble Navigation.	Ordinary stock.
The Company of Proprietors of the Coventry Canal Navigation.	Ordinary shares.
The Grand Union Canal Company ...	4% Debenture stock (redeemable 1956 at 102%). 3½% Perpetual debenture stock. 6% Non-cumulative preference stock.
The Lee Conservancy Board ...	3½% Debenture stock. 3% Advances from Development Fund. 3½% Mortgage loan. 3½% Mortgage loan.
The Leeds and Liverpool Canal Company.	3½% Preference stock.
The Oxford Canal Company ...	Ordinary stock.
The Severn Commissioners ...	4½% Mortgages (1842 Act). 4½% Mortgages (1844 Act). 5% Mortgages (1890 Act).
The Sharpness Docks and Gloucester and Birmingham Navigation Company.	5% Cumulative preference stock "A". 5½% Preference stock "B". 5% Preference stock "C". Ordinary consolidated stock.
The Staffordshire and Worcestershire Canal Company.	4½% Debenture stock. Consolidated stock.
The Company of Proprietors of the Stourbridge Navigation.	Ordinary shares.
The Trent Navigation Company ...	6% Debenture stock. 3½% Debenture stock. 5% Preference shares. Ordinary shares.
The Company of Proprietors of the Herefordshire and Gloucestershire Canal Navigation.	7½% preference shares of £20 (fully paid). Ordinary shares of £100. Ordinary shares of £140.

PART III.

Securities guaranteed by the Treasury.

The London Passenger Transport Board	London Transport 3% guaranteed stock (1967-1972).
The Lee Conservancy Board ...	3½% Mortgage loan.

Sections 16, 18,
25 and 89.

FIFTH SCHEDULE.

ISSUE OF BRITISH TRANSPORT STOCK IN SATISFACTION OF RAILWAY OR CANAL COMPENSATION.

PART I.

Provisions applicable to securities with values determined before the date of transfer.

1. This Part of this Schedule shall apply to—

- (a) the securities mentioned in Parts I and III of the Fourth Schedule to this Act ; and
- (b) such of the securities mentioned in Part II of that Schedule as may be declared by order of the Minister to be securities the values whereof have been determined before the date of transfer.

2. The persons who, immediately before the date of transfer, were the holders of any securities to which this Part of this Schedule applies shall, by virtue of this Act, become instead on that date the holders of British transport stock representing so much of the compensation payable in the case of the body in question as is attributable to those securities and that much of that compensation shall be thereby satisfied ; and all securities to which this Part of this Schedule applies shall, by virtue of this Act, be extinguished on the date of transfer.

3. The date of transfer shall, for the purpose of computing the amount of British transport stock to be created and issued in satisfaction of any compensation attributable to any securities to which this Part of this Schedule applies, be treated as the date of the issue of that stock, and interest shall begin to accrue on that stock as from the date of transfer.

4. The regulations to be made under Part VI of this Act by the Minister with the approval of the Treasury for prescribing the terms on which and the provisions in accordance with which British transport stock is to be issued, transferred, dealt with and redeemed shall include provisions whereby any stock or share certificate or other similar document in force immediately before the date of transfer in relation to any securities to which this Part of this Schedule applies shall be treated as applicable to any British transport stock created and issued in satisfaction of any compensation attributable to those securities until a corresponding document is issued with respect to that stock.

5. Where the holder of any securities becomes, under this Part of this Schedule, instead the holder of British transport stock, he shall hold that British transport stock in the same right and on the same trusts and subject to the same powers, privileges, provisions, charges, restraints, and liabilities as those in, on or subject to which he held those securities, and any provision of any deed, will, disposition or other instrument, and any statutory provision as to what is to be done by the holder of the securities or the redemption moneys thereof shall, with any necessary modifications, have effect in relation to the said stock as it would have had effect in relation to the securities if they had not been extinguished :

Provided that—

5TH SCH.
—cont.

- (a) the whole of any interest of any of the bodies mentioned in the Third Schedule to this Act in any of the said securities shall be treated as having passed to the Commission and the preceding provisions of this paragraph shall have effect accordingly ;
 - (b) nothing in this paragraph shall limit the powers of the Minister under Part VI of this Act as respects the making, with the approval of the Treasury, of regulations in relation to British transport stock.
6. Nothing in this part of this Schedule affects—
- (a) the distribution of any amounts received under section twenty of this Act by any of the bodies to whom that section applies ;
 - (b) any payment of interest or dividend, or of any perpetual annuity or by way of redemption of any security, being a payment the liability for which is declared by any provision of Part II of this Act to pass to the Commission.

PART II.

Provisions applicable to other securities.

1.—(1) The provisions of this Part of this Schedule shall apply to those of the securities mentioned in Part II of the Fourth Schedule to this Act to which Part I of this Schedule does not apply.

(2) In this Part of this Schedule, the expression “ the conversion date ” means, in relation to any securities, such date as may be specified in relation thereto by order of the Minister, being a date as soon as conveniently may be after the compensation payable in the case of the body in question which is attributable to those securities has been determined.

2. During the period beginning with the date of transfer and ending immediately before the conversion date, the securities to which this Part of this Schedule applies shall continue to exist and may be transferred and transmitted, but the Commission shall keep the registers or other records of the holders of those securities and the only rights which shall attach to those securities shall be—

- (a) the right to have instead British transport stock which attaches to the securities by virtue of the next succeeding paragraph ; and
- (b) the right to the payment of interest which attaches to the securities under paragraph 5 of this Part of this Schedule, and all other rights attaching to the securities shall, by virtue of this Act, be extinguished on the date of transfer.

3. The persons who, immediately before the conversion date, were the holders of any securities to which this Part of this Schedule applies shall, by virtue of this Act, become instead on that date the holders of British transport stock representing so much of the compensation

5TH SCH.
—*cont.*

payable in the case of the body in question as is attributable to those securities, and that much of that compensation shall be thereby satisfied ; and all securities to which this Part of this Schedule applies shall, by virtue of this Act, be extinguished on the conversion date.

4. The date of transfer shall, for the purpose of computing the amount of British transport stock to be created and issued in satisfaction of any compensation attributable to any securities to which this Part of this Schedule applies, be treated as the date of the issue of that stock, and, subject to the provisions of the next succeeding paragraph, interest shall begin to accrue on that stock as from the date of transfer.

5.—(1) The Commission shall, on such dates as the Minister may direct, make to the persons who are, at such times as may be specified in the direction, the holders of any securities to which this part of this Schedule applies, payments of interest not exceeding the amount which, in the opinion of the Commission, will be found to have accrued on the British transport stock ultimately created and issued under paragraph 3 of this Part of this Schedule in satisfaction of the compensation attributable to those securities.

(2) If the amounts paid by the Commission under sub-paragraph (1) of this paragraph in respect of any securities are equal to or greater than the amount of interest which is found to have accrued, for the period beginning with the date of transfer and ending immediately before the conversion date, on the British transport stock created and issued as aforesaid in satisfaction of the compensation attributable to these securities, the interest so found to have accrued shall be treated as discharged.

(3) If the amounts paid as aforesaid in respect of any securities are less than the amount found to have accrued as aforesaid on the British transport stock created and issued as aforesaid in satisfaction of the compensation attributable to these securities, the amount so found to have accrued due shall be treated as discharged to the extent of the amounts so paid, and the balance shall be added to and treated as part of the interest (being interest accruing on and after the conversion date) which first falls to be paid after the conversion date on that stock.

(4) Any amounts payable under sub-paragraph (1) of this paragraph which have not been paid by reason that it has not been possible to discover the person entitled thereto or that the title thereto has not been established or that a cheque or warrant issued for the purpose of making payment thereof has not been encashed shall, for the purposes of sub-paragraphs (2) and (3) of this paragraph (but not for any other purposes) be treated as paid.

6. Paragraphs 4, 5 and 6 of Part I of this Schedule shall apply for the purposes of this Schedule as if—

- (a) any reference therein to that Part of this Schedule were a reference to this Part of this Schedule ; and
- (b) the reference in the said paragraph 4 to the date of transfer were a reference to the conversion date.

SIXTH SCHEDULE.

Section 30.

COMPENSATION FOR ACQUISITION OF PRIVATELY-OWNED WAGONS.

Type of Wagon.

Year in which wagon was first built	8 ton	10 ton	12/13 ton wood body wood frame	15 ton wood body wood frame	12/13 ton wood body steel frame	12/13 ton all steel	14/16 ton all steel	21 ton wood body steel frame	21 ton all steel (5 door)	21 ton all steel (9 door)	21 ton hopper (all types)
1946	£ 248	£ 248	£ 267	£ 307	£ 282	£ 306	£ 323	£ 390	£ 403	£ 414	£ —
1945	224	224	242	278	251	268	285	357	370	382	—
1944	210	210	227	261	231	236	256	328	341	355	430
1943	201	201	217	250	214	221	231	310	321	333	416
1942	194	194	209	240	207	213	221	299	310	322	402
1941	179	179	193	222	191	198	207	289	299	310	388
1940	175	175	189	217	184	191	200	278	289	299	374
1939	171	171	184	212	177	184	192	268	278	288	359
1938	166	166	180	207	170	177	185	257	267	276	345
1937	162	162	175	202	163	169	177	246	256	265	331
1936	158	158	171	197	156	162	170	236	245	254	317
1935	154	154	167	192	149	155	162	225	234	242	303
1934	150	150	162	186	142	148	154	215	223	231	289
1933	146	146	158	181	135	140	147	204	212	219	274
1932	142	142	153	176	128	133	139	194	201	208	260
1931	138	138	149	171	121	126	132	183	190	197	246
1930	133	133	144	166	114	119	124	172	179	185	232
1929	129	129	140	161	107	111	116	162	168	174	218
1928	125	125	135	156	100	104	109	151	157	163	203
1927	121	121	131	151	93	97	101	141	146	151	189
1926	117	117	126	145	86	90	94	130	135	140	175
1925	113	113	122	140	79	82	86	120	124	129	161
1924	109	109	118	135	72	75	78	109	113	117	147
1923	105	105	113	130	65	68	71	99	102	106	132
1922	100	100	109	125	58	61	63	88	91	95	118
1921	96	96	104	120	51	53	56	78	80	83	104
1920	92	92	100	115	44	46	48	67	69	72	90
1919	74	74	81	93	31	32	40	44	46	47	52
1918	70	70	77	89	25	26	33	36	37	38	47
1917	67	67	73	84	22	22	25	35	37	38	47
1916	63	63	70	80							
1915	60	60	66	76							
1914	57	57	62	71							
1913	53	53	58	67							
1912	50	50	54	62							
1911	46	46	51	58							
1910	43	43	47	54							
1909	39	39	43	49							
1908	36	36	39	45							
1907	32	32	36	41							
1906	29	29	32	36							
1905	25	25	28	32							
1904	22	22	24	28							
1903	19	21	22	25							
1902	£16 10	21	22	25							
(or earlier)					— If built before 1917 £22—	— If built before 1917 £22—	— If built before 1917 £25—	— If built before 1917 £35—	— If built before 1917 £37—	— If built before 1917 £38—	— If built before 1917 £47—

Section 33.

SEVENTH SCHEDULE.

WAGONS EXEMPTED FROM CERTAIN RESTRICTIONS UNDER PART II.

1. Tank wagons.
2. Wagons specially set apart for the following specific traffics, that is to say, for the conveyance of—
 - Cement.
 - Copperas.
 - Iron oxide waste.
 - Lime (if the wagons are roofed wagons or fitted with permanent superstructures for the support of sheets).
 - Crude naphthalene.
 - Night soil and sewage.
 - Nitre-cake.
 - Salt.
 - Tarred materials.
3. Specially constructed wagons, that is to say—
 - Bolster wagons.
 - Brake-vans.
 - Bulk grain vans.
 - Chassis wagons.
 - Hopper-bottomed door wagons with a carrying capacity exceeding 40 tons.
 - Open wagons with no doors and no fittings for doors.
 - Propeller wagons.
 - Gun wagon sets.
 - Multiple box wagons.
 - Sand wagons with drainer bottoms.
 - Iron ore wagons built to special dimensions for the tipping plant at particular iron works.
4. Wagons specially constructed or set apart for use on train ferry services to and from the Continent of Europe.

Sections 38, 63,
64, 66, 102 and
126.

EIGHTH SCHEDULE.

ORDERS GIVING EFFECT TO SCHEMES.

PART I.

1.—(1) Where it appears to the Minister that the scheme submitted to him makes satisfactory provision with respect to the matters dealt with in the scheme, he shall prepare the draft of an order embodying the scheme and give notice of the preparation of the draft and that he proposes to proceed with the making of the order :

Provided that, in the case of a scheme under Part IV of this Act which provides for the transfer of the whole or any part of any undertaking, the Minister shall not regard the scheme as making satisfactory provision unless—

- (a) where the person theretofore carrying on the undertaking is a local authority or is a joint committee, joint board, joint

authority or other combined body, being a committee, board, authority or body all the members of which are, or are representatives of, local authorities, it makes provision for compensation to that local authority, joint committee, joint board, joint authority or combined body, which is, in the opinion of the Minister, identical, as near as may be, with the provision made in the case of transfers under Part II of this Act from local authorities ;

- (b) in the case of an undertaking or part of an undertaking (not being an undertaking theretofore carried on by such a person as is referred to in subhead (a) of this proviso), the activities of which before the transfer by or under the scheme consist wholly or partly of operating passenger road transport services, and the activities, if any, of which after that transfer will not include the operation of such services, it complies with the provisions of Part II of this Schedule ;
- (c) in any other case, being a case in which the transfer is, in the opinion of the Minister, comparable in the material respects to any form of transfer of the whole or part of an undertaking effected under Part II or Part III of this Act, it provides compensation on a basis reasonably comparable in his opinion to that of the compensation provided under this Act in the case of that form of transfer ; and
- (d) in any other case, it provides, in the opinion of the Minister, proper compensation in respect of the transfer.

References in this sub-paragraph to local authorities (other than the last reference in sub-head (a) of the proviso thereto) include references to councils of county districts.

(2) Where it appears to the Minister in the case of any scheme submitted to him that it would not be expedient to give effect to the scheme in the form in which it was submitted to him, he may refer the scheme with his observations thereon to the Commission for their further consideration and thereupon they shall re-consider the scheme in the light of the Minister's observations and may again submit the scheme to the Minister with such amendments as they think fit.

2.—(1) A notice under paragraph 1 of this Schedule shall be published—

- (a) in the London Gazette, the Edinburgh Gazette, or both, according as the scheme affects England, Scotland, or both ; and
- (b) in such local newspapers, and in such other ways, if any, as appear to the Minister best suited for bringing the notice to the attention of persons concerned,

and shall specify a place where the draft of the order may be inspected, and copies thereof obtained at all reasonable hours, and the time (not being less than forty days from the publication of the notice) within which, and the manner in which, any objections to the draft may be made to the Minister, and the Minister shall consider any objections made within the time and in the manner specified in the notice :

8TH SCH.
—*cont.*

Provided that the Minister shall not be required to consider any objection unless it comprises or there is submitted therewith a statement in writing setting out the specific grounds for any amendments, additions or modifications asked for, or any objection which in his opinion is frivolous.

(2) Any such objection as aforesaid may ask for amendments, additions or modifications to or of the order which amount to amendments, additions or modifications to or of the scheme.

3.—(1) If there are no objections which the Minister is required to consider, or if all such objections are withdrawn, the Minister may make the order either in the terms of the draft or subject to such amendments, additions or modifications, if any, as he thinks fit, being amendments, additions or modifications which in his opinion do not effect important alterations in the draft as published.

(2) Where any such objection is made and is not withdrawn, the Minister shall cause in the case of a scheme under Part IV of this Act, a public local inquiry, or, in any other case, an inquiry, to be held with respect thereto, and the Minister may, after considering the report of the person by whom the inquiry was held make the order either in the terms of the draft or subject to such amendments, additions or modifications as the Minister thinks fit.

(3) The amendments, additions or modifications referred to in this paragraph may amount to amendments, additions or modifications to or of the scheme.

4. The Minister may, with the consent of the Treasury, pay out of moneys provided by Parliament to any person appointed to hold an inquiry for the purposes of this Schedule such fees and allowances, and to persons giving evidence such allowances, as he may with the consent of the Treasury determine.

PART II.

5. Where, by or under a scheme made under Part IV of this Act, such an undertaking or part of an undertaking as is specified in sub-head (b) of paragraph 1 of this Schedule is transferred to a body constituted or specified by or under that scheme, the scheme shall incorporate in relation to that undertaking the provisions of section forty-seven of this Act and of the Ninth Schedule to this Act subject to the adaptations and modifications set out in the subsequent provisions of this Part of this Schedule.

6. The following references shall throughout the said section forty-seven and the said Ninth Schedule be construed as follows—

- (a) references to a goods vehicle shall be construed as including references to any vehicle registered under the Roads Act, 1920 ;
- (b) references to the Commission shall be construed as references to the said body ;
- (c) references to a notice of acquisition, and to the giving of such a notice, and to the transfer resulting from or effected by such a notice shall be construed as references to a transfer by or under a scheme.

7. At the end of subsection (1) of the said section forty-seven there shall be inserted the following proviso—

8TH SCH.
—cont.

“ Provided that, where the vehicle is a trolley vehicle or a tram-car, paragraph (a) of this subsection shall have effect as if, in the case of a trolley vehicle, the words ‘ one-seventh ’ or, in the case of a tramcar, the words ‘ one-fourteenth ’ were substituted for the words ‘ one-fifth ’, wherever those words occur.”

8. In subsection (3) of the said section forty-seven for the word “ five ” there shall be substituted the word “ seven ”.

9. In paragraph (a) of subsection (4) of the said section forty-seven for the words “ vehicles authorised to be used under A licences or B licences ” there shall be substituted the words “ public service vehicles, trolley vehicles or tramcars ”.

10. The provisions of subsection (5) of the said section forty-seven shall apply where the rights of the hirer under a hire purchase agreement vest in the said body by reason of a transfer by or under the scheme.

11. The reference in subsection (8) of the said section forty-seven to any other express provision contained in this Act shall be construed as a reference to any other express provision for the payment of additional compensation contained in the scheme.

12. The said Ninth Schedule shall have effect as if—

(a) for sub-paragraph (2) of paragraph 2 of that Schedule there were substituted the following sub-paragraph :—

“ (2) In this Schedule, the expression ‘ the last three financial years ’ means, in relation to an undertaking—

(a) where the undertaking has been carried on for not less than three years ending with the date in the year nineteen hundred and forty-eight to which the accounts of the undertaking for a period of twelve months were made up in the ordinary course, the three years ending with that date ; or

(b) in any other case, the three years ending with the date in the twelve months immediately preceding the transfer to which the accounts of the undertaking for a period of twelve months were made up in the ordinary course ; ”

(b) paragraph 6 of that Schedule were omitted.

Section 47 and
Sch. 8.

NINTH SCHEDULE.

MEANING OF "AVERAGE NET ANNUAL PROFIT" IN RELATION TO ROAD TRANSPORT UNDERTAKINGS.

1. Where a notice of acquisition is given under Part III of this Act with respect to an undertaking, the average net annual profit of the undertaking shall, for the purpose of compensation for cessation of business, be ascertained in accordance with the subsequent provisions of this Schedule.

2.—(1) There shall be ascertained, in relation to each of the last three financial years of the undertaking, what profit or loss was made in the carrying on of the undertaking.

(2) In this Schedule, the expression "the last three financial years" means, in relation to an undertaking,—

(a) where accounts of the undertaking were made up in the ordinary course for a period of twelve months ending with a date within the twelve months immediately preceding the date of transfer, the three years ending with the first mentioned date ;

(b) in any other case the three years ending with such date within the twelve months immediately preceding the date of transfer as may be agreed between the Commission and the transferor, or, in default of agreement, the three years ending immediately before the date of transfer.

3. In ascertaining the said profits or losses, such deductions shall be made in respect of wear and tear and provision for replacement of property held for the purposes of the undertaking as may be just.

4. When the amount of the profit or loss for any of the said three years has been ascertained, such adjustment, if any, of the amount thereof shall be made as may be just, having regard to the extent and nature of the property held in the year for the purposes of the undertaking as compared with the extent and nature of the property which vests in the Commission by virtue of the notice of acquisition, not being property duly disclaimed by the Commission.

5.—(1) The amount of the profits made in the said three years, ascertained and adjusted as aforesaid, shall then be aggregated, and the amount of the losses made in the said three years, ascertained and adjusted as aforesaid, shall also be aggregated.

(2) If there are no profits to be aggregated, or the aggregate of the profits does not exceed the aggregate of the losses, the average net annual profit shall be taken to be nil.

(3) If the aggregate of the profits exceeds the aggregate of the losses—

(a) the excess shall be divided by three ; and

(b) there shall then be ascertained the sum which is equal to one year's interest, at such rate as the Treasury may determine, on the net amount of compensation payable in respect of the property vested in the Commission by virtue of the notice of acquisition ; and

9TH SCH.
—*cont.*

- (c) if the amount ascertained under sub-head (b) of this sub-paragraph is equal to or exceeds the amount ascertained under sub-head (a) thereof, the net annual profit of the undertaking shall be taken to be nil ; and
- (d) if the amount ascertained under the said sub-head (b) is less than the amount ascertained under the said sub-head (a) the difference shall be taken to be the average net annual profit of the undertaking :

Provided that where, by the end of the last three financial years, less than three years have elapsed since the undertaking began to be carried on, sub-head (a) of this sub-paragraph shall have effect as if, instead of requiring the excess to be divided by three, it required the sum to be ascertained which bears to the excess the same proportion that one year bears to the period which has elapsed as aforesaid.

6. Where, by the end of the last three financial years, not less than three years have elapsed since the undertaking began to be carried on, and the transferor satisfies the Commission, or, in case of dispute, the arbitration tribunal established under Part VIII of this Act, that in any one of the last three financial years, by reason of the abnormality of the circumstances of that particular year as compared with the circumstances of the other two years, the profit made was to a substantial extent less than, or the loss made showed a substantial fall from, the average profit made in the other two years, then only those other two years shall be taken into account for the purposes of the last preceding paragraph, and accordingly for the word "three," wherever that word occurs in the last preceding paragraph, except in the proviso thereto, there shall be substituted the word "two."

7.—(1) Where the undertaking was formed wholly or partly by the acquisition or merger of other undertakings—

- (a) the profit or loss made in any of the last three financial years in carrying on each of those other undertakings shall be taken into account as if it were a profit or loss made in carrying on the undertaking itself ; and
- (b) where any of those other undertakings began to be carried on before the undertaking itself, the earliest date on which any of those undertakings began to be carried on shall be taken, for the purposes of this Schedule, to be the date when the undertaking itself began to be carried on.

(2) Where any such other undertaking as is mentioned in sub-paragraph (1) of this paragraph was itself formed wholly or partly by the acquisition or merger of other undertakings, the reference in the said sub-paragraph to the first mentioned other undertaking shall be taken to include references to the last mentioned other undertakings, and so on in the case of a series of acquisitions or mergers.

8. For the purposes of this Schedule, any rights under a hire purchase agreement which vest in the Commission shall be treated as if they were property vested in the Commission, and references in this Schedule to property duly disclaimed by the Commission shall be taken to include references to any rights under any such agreement which is so disclaimed by the Commission.

Section 72.

TENTH SCHEDULE.

PROVISIONS AS TO THE TRANSPORT TRIBUNAL.

1. The Transport Tribunal shall, for the purposes of the exercise of any of their functions under this or any other Act, have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of their orders, the entry on and inspection of property and other matters necessary or proper for the due exercise of their said jurisdiction, have in England all such powers, rights and privileges as are vested in the High Court and in Scotland all such powers, rights and privileges as are vested in the Court of Session, and execution may be had in England on any of their orders as if it were an order of the High Court.

2. Where the Transport Tribunal decide that a person is entitled to damages, they may ascertain the amount of the damages either by trial before themselves or by directing inquiry to be taken before one or some of their members or before one of their officers.

3. The Transport Tribunal shall annually make a report to the Minister of all their proceedings, whether under this Act or under any other statutory provision, and the report shall be laid before Parliament, and so much of any enactment as requires an annual report by the Transport Tribunal of any of their proceedings shall cease to have effect.

4. Notwithstanding anything in section twenty-five of the Railways Act, 1921, rules made under section twenty-two of that Act may provide for the review by the Transport Tribunal of decisions previously given by them, and this paragraph shall be deemed to have had effect as from the commencement of that Act.

5. Subject to the provisions of this Act, sections twenty-two to twenty-six of the Railways Act, 1921 (which contain provisions with respect to the constitution and procedure of, and appeals from, the Transport Tribunal) shall apply with respect to the jurisdiction conferred on the Transport Tribunal by this Act as they apply with respect to the jurisdiction conferred on them by that Act.

6.—(1) Where any proceedings are pending before the Transport Tribunal by virtue of any jurisdiction conferred on them by this Act, other than jurisdiction which but for the provisions of this Act would have been jurisdiction of the Railway and Canal Commission or of the High Court or the Court of Session, the president of the tribunal may, if he sees fit so to do, select one or more persons from a special panel to be constituted as hereinafter provided, and appoint that person or those persons with or without a permanent member or permanent members of the tribunal to hear and determine those proceedings; and the person or persons so appointed shall, for the purposes of the proceedings in respect of which they are so appointed, constitute the tribunal, and subsection (4) of section twenty-four of the Railways Act, 1921, shall not apply in relation to those proceedings. Where proceedings are to be heard and determined by a person or persons selected as aforesaid with a permanent member or permanent members of the tribunal, the president of the tribunal may, if he thinks fit, appoint himself as the said permanent member or one of the said permanent members.

(2) The said panel shall consist of such number of persons nominated by the Lord Chancellor, such number of persons nominated by the Board of Trade, such number of persons nominated by the Secretary of State for Scotland, and such number of persons nominated by the Minister, as the Minister may direct.

10TH SCH.
—*cont.*

(3) Where two or more persons are appointed under this paragraph to hear and determine any proceedings, the president of the Transport Tribunal shall determine which of those persons is to act as president as respects the hearing and determination of the proceedings.

(4) Subsections (2) and (5) of section twenty-four of the said Act shall apply in relation to a member of the special panel as they apply in relation to a member of the general panel.

(5) The President of the Transport Tribunal may, if he thinks fit so to do in relation to any class of proceedings, select one or more persons from the said special panel and appoint them with or without a permanent member or permanent members of the tribunal to hear and determine all proceedings of that class, not being proceedings in relation to which other provisions may have been or may thereafter be made under sub-paragraph (1) of this paragraph; and where such an appointment is made, then, until it is revoked by the President of the tribunal, the preceding provisions of this paragraph shall have effect in relation to any proceedings of that class, not being such proceedings as aforesaid, as if the said person or persons had been selected and appointed under the said sub-paragraph (1) to hear and determine those proceedings.

7.—(1) A person appointed from the special panel or from any other panel of the tribunal constituted under any Act other than this Act, and any additional member of the tribunal appointed under the Ninth Schedule to the London Passenger Transport Act, 1933, shall be paid such remuneration and expenses as the Minister may with the approval of the Treasury determine.

(2) Any such remuneration or expenses shall be defrayed by the Minister out of moneys provided by Parliament, but, so far as not met out of the amount recovered by way of fees, they shall, on demand, be paid to the Minister by the Commission as part of their working expenses.

ELEVENTH SCHEDULE.

Section 75.

TRANSFER OF JURISDICTION OF RAILWAY AND CANAL COMMISSION.

PART I.

Acts jurisdiction under which is to be transferred.

The Railway Regulation Acts, 1840 to 1893.

The Railway and Canal Traffic Acts, 1854 to 1894.

The Railways Clauses Act, 1863.

The Cheap Trains Act, 1883.

The Conveyance of Mails Act, 1893.

The Railway Employment (Prevention of Accidents) Act, 1900.

The Railways (Private Sidings) Act, 1904.

The Ministry of Transport Act, 1919.

The Railways Act, 1921.

The Road and Rail Traffic Act, 1933.

11TH SCH.
—cont.

PART II.

Modifications of enactments referring to Railway and Canal Commission.

The Acts hereinafter mentioned shall, in relation to the jurisdiction transferred by this Act from the Railway and Canal Commission to the Transport Tribunal, have effect subject to the omissions of the enactments and parts of enactments hereinafter specified in relation to those Acts respectively, but nothing in this Part of this Schedule shall apply in relation to any jurisdiction of the Railway and Canal Commission which is not so transferred.

1. *The Railway and Canal Traffic Act, 1854—*

In section three, from the words “ and for that purpose ” to the words “ on the matter of such complaint : ”, and from the words “ and in case of disobedience ” to the end of the section.

2. *The Regulation of Railways Act, 1873—*

Section five ; in section six, the words “ except for the purpose of enforcing any decision or order of the Commissioners ” ; and sections twenty-six, twenty-seven, thirty, thirty-one and thirty-two.

3. *The Railway and Canal Traffic Act, 1888—*

Sections two to five ; in section twelve from the words “ The Commissioners may ascertain ” to the end of the section ; and sections eighteen to twenty-two, fifty and fifty-one.

4. *The Regulation of Railways Act, 1889—*

In section two, the words from “ and thereupon ” to the end of the section.

5. *The Railway Regulation Act, 1893—*

Subsection (5) of section one.

6. *The Conveyance of Mails Act, 1893—*

Section four.

7. *The Railway and Canal Traffic Act, 1894—*

Section two.

8. *The Railway Employment (Prevention of Accidents) Act, 1900—*

Section twelve.

9. *The Railways (Private Sidings) Act, 1904—*

Section three.

10. *The Ministry of Transport Act, 1919—*

Section nineteen.

11. *The Railways Act, 1921—*

In subsection (4) of section sixteen, from the words “ in any of the ways ” to the end of the section ; and in subsection (3) of section seventy-seven from the words “ in any of the ways ” to the end of the subsection.

TWELFTH SCHEDULE.

Section 118.

CONSTITUTION OF LEE CONSERVANCY CATCHMENT BOARD.

1. In this Schedule—

- "the Catchment Board" means the Lee Conservancy Catchment Board ;
- "the Conservancy Board" means the Lee Conservancy Board ;
- "the Act of 1900" means the Lee Conservancy Act, 1900 ;
- "the Act of 1921" means the Lee Conservancy Act, 1921 ;
- "the Act of 1930" means the Land Drainage Act, 1930.

2. As from the first day of January, nineteen hundred and forty-eight, the Catchment Board shall, subject to the provisions of this Schedule, instead of consisting of the members for the time being of the Conservancy Board and the six additional members provided for by subsection (1) of section eighty of the Act of 1930, consist of—

- (a) persons elected and appointed in accordance with the provisions of Part II of the Act of 1900 and Part III of the Act of 1921, as amended by the subsequent provisions of this Schedule ; and
- (b) the said six additional members.

3. No member shall be elected to the Catchment Board by the barge owners, and accordingly sections thirteen and fourteen of the Act of 1900 and sections seven to ten of the Act of 1921 shall not apply in relation to the Catchment Board.

4. The persons who, immediately before the first day of January, nineteen hundred and forty-eight, are members of the Catchment Board by reason of being members of the Conservancy Board, other than the representative of the barge owners, shall, unless they previously die or resign or become disqualified, continue in office until the first Friday in April in the year nineteen hundred and forty-nine, and shall be deemed for the purposes of section twelve of the Act of 1900 and section eleven of the Act of 1921 (which relate to casual vacancies) to have been appointed or elected to the Catchment Board by the persons by whom they were appointed or elected to the Conservancy Board.

5. The following enactments, that is to say—

- (a) section three of the Act of 1900, in relation to members of the Catchment Board other than the said six additional members ; and
- (b) section four of the Act of 1900 and section eleven of the Act of 1921, in relation to the appointed members of the Catchment Board ; and
- (c) sections five to twelve, section sixteen and section eighteen of the Act of 1900, in relation to the elected members of the Catchment Board ; and
- (d) section fifteen of the Act of 1900, in relation to all members of the Catchment Board,

shall have effect as if references to the Conservancy Board and Conservators were references to the Catchment Board and members of the Catchment Board.

Section 125.

THIRTEENTH SCHEDULE.

MEANING OF "CONTROL".

1. Subject to the provisions of this Schedule, a body corporate shall be deemed for the purposes of this Act to be directly or indirectly controlled by another body corporate if, but only if—

(a) that other either—

(i) is a member of it and controls the composition of its board of directors ; or

(ii) holds more than half in nominal value of its equity share capital ; or

(b) the first mentioned body corporate is directly or indirectly controlled (whether by virtue of this paragraph or not) by a third body corporate which is directly or indirectly controlled by that other.

2. For the purposes of the preceding paragraph, the composition of a body corporate's board of directors shall be deemed to be controlled by another if, but only if, in relation to all or a majority of the directors one or other of the following conditions is satisfied, that is to say—

(a) that a person's appointment as director, or continuance in office as director, depends on that other exercising in his favour or not exercising against him some power exercisable by that other without the consent of or concurrence of any other person, or can be made so to depend upon the exercise of any power or powers so exercisable ; or

(b) that the appointment of a person as director follows necessarily from his appointment as director of that other, and the persons whose appointment follows as aforesaid are all or a majority of the directors of that other.

3. In determining whether one body corporate is or is not directly or indirectly controlled by another body corporate—

(a) any shares held or power exercisable by that other in a fiduciary capacity shall be treated as not held or exercisable by it ;

(b) subject to the following sub-paragraph, any shares held or powers exercisable—

(i) by any person as a nominee for that other (except where that other is concerned only in a fiduciary capacity) ; or

(ii) by, or by a nominee for, a body corporate directly or indirectly controlled by that other, not being a body corporate which is concerned only in a fiduciary capacity ; shall be treated as held or exercisable by that other ;

(c) any shares held or powers exercisable by any person by virtue of the provisions of any debentures of the first mentioned body corporate or of a trust deed securing any issue of such debentures shall be disregarded.

4. In this Schedule, the expression "equity share capital" means, in relation to a body corporate, its issued share capital excluding any part thereof which, as respects both dividends and capital, carries no right to participate beyond a specified amount in a distribution.

13TH SCH.
—*cont.*

In this paragraph references to share capital include references to capital in the form of stock.

FOURTEENTH SCHEDULE.

Section 127.

APPLICATION TO NORTHERN IRELAND.

1. References to enactments or statutory provisions include references to enactments of the Parliament of Northern Ireland and provisions, whether of a general or a special nature, contained in, or in any document made or issued under, any Act of the Parliament of Northern Ireland, whether of a general or a special nature.

2. The references in section nine of this Act to Bills in Parliament shall include references to Bills in the Parliament of Northern Ireland.

3. Nothing in this Act shall be deemed to exempt the Commission from liability to any tax, duty, rate, levy or other charge whatsoever, whether general or local, imposed by or under any Act of the Parliament of Northern Ireland.

4. Section eleven of this Act shall have effect as if for subsection (2) the following subsection were substituted:—

"(2) In its application to any such action as aforesaid, section twenty of the Common Law Procedure (Ireland) Act, 1853 (which relates to the limitation of actions of contract or tort and certain other actions) shall have effect as if for references therein to six years and four years respectively there were substituted references to three years."

5. Nothing in section ninety-four of this Act or any order made thereunder shall affect any statutory obligation (including any obligation imposed by or under an Act of the Parliament of Northern Ireland) to furnish any information, accounts, statistics or returns to the Ministry of Commerce for Northern Ireland in respect of any railway undertaking carried on in Northern Ireland.

6. In section ninety-five of this Act, the references to the Minister of Labour and National Service shall, in relation to agreements affecting Northern Ireland, be deemed to include references to the Ministry of Labour and National Insurance for Northern Ireland.

7. Subsection (6) of section ninety-eight of this Act shall have effect as if for the reference therein to subsection (4) of section sixty-nine of the National Insurance Act, 1946, there were substituted a reference to subsection (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946.

Section 128.

FIFTEENTH SCHEDULE.

PART I.

Enactments repealed as from the passing of this Act.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 57.	Regulation of Railways Act, 1889.	In section two, the words from "and thereupon" to the end of the section.
56 & 57 Vict. c. 29.	Railway Regulation Act, 1893.	Subsection (5) of section one.
56 & 57 Vict. c. 38.	Conveyance of Mails Act, 1893.	Section four.
63 & 64 Vict. c. 27.	Railway Employment (Prevention of Accidents) Act, 1900.	Section twelve.
4 Edw. 7. c. 19	Railways (Private Sidings) Act, 1904.	Section three.
9 & 10 Geo. 5. c. 50.	Ministry of Transport Act, 1919.	Sections nineteen and twenty-three.
11 & 12 Geo. 5. c. 55.	Railways Act, 1921.	In subsection (4) of section sixteen, from the words "in any of the ways" to the end of the section; in subsection (1) of section twenty-one the words "and not exceeding ten"; subsection (3) of section twenty-two; in subsection (1) of section twenty-four, the words "upon the railways"; section twenty-seven; in section thirty-five the words from "Provided that" to "under that section"; sections fifty-eight and fifty-nine; subsection (2) of section sixty-one; in subsection (3) of section seventy-seven, from the words "in any of the ways" to the end of the subsection; in section eighty, subsection (2), and in subsection (3) the words "or an inquiry by a committee chosen either wholly or partly from such panel as aforesaid".
19 & 20 Geo. 5. c. 17.	Local Government Act, 1929.	Sub-paragraph (4) of paragraph 12 of the Eleventh Schedule.
23 & 24 Geo. 5. c. 14.	London Passenger Transport Act, 1933.	Subsection (1) of section thirty-six; paragraph 5 of the Ninth Schedule.

Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 53.	Road and Rail Traffic Act, 1933.	Subsection (2) of section sixteen ; in subsection (1) of section twenty-nine, the words " after consultation with the Transport Advisory Council " ; section forty-six ; and the Second Schedule.
6 & 7 Geo. 6. c. 23.	Railway Freight Rebates Act, 1943.	Subsection (3) of section two.

PART II.

Enactments repealed as from the first day of January, nineteen hundred and forty-eight.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 55.	Railways Act, 1921	Section nineteen ; in subsection (2) of section twenty-one the words " in such proportions as the rates tribunal may determine " ; and section seventy-five.
23 & 24 Geo 5. c. 14.	London Passenger Transport Act, 1933.	Subsections (1), (2) and (4) of section three ; section fifteen ; in section twenty-one, from the beginning of the section to the words " Provided that " ; in subsection (2) of section twenty-six, the words " and, in the case of public service vehicles operating wholly or in part outside the special area, subject, as respects any part of the service outside that area, to the provisions of section seventy-two of the Road Traffic Act, 1930 " ; subsection (4) of section twenty-nine, in the proviso to subsection (2) of section thirty, the words " shall have regard to the desirability of the establishment and maintenance by the Board of an adequate reserve fund, and " and the words " which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act, or " ; section thirty-one ; subsection (4) of section thirty-four ; in the proviso to subsection (2) of section thirty-five the words " which

15TH SCH.
—*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 14.— <i>cont.</i>	London Passenger Transport Act, 1933.— <i>cont.</i>	would be likely to affect prejudicially the financial position of the amalgamated railway companies or any of them or"; sections thirty-seven, forty-two, forty-three, and forty-six to forty-nine; in section eighty-nine, in paragraph (c) of subsection (11), the words from "in the proportions" to the end of the paragraph, and in subsection (17) the words "in the proportions specified in subsection (11) of this section"; in the Ninth Schedule, sub-paragraph (a) of paragraph 4; and the Tenth Schedule.

PART III.

Enactments repealed as from the appointed day.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5. c. 55. 23 & 24 Geo. 5. c. 53.	Railways Act, 1921 Road and Rail Traffic Act, 1933	Section sixty-seven. In section fifteen, subsections (2) to (9), subsection (12), and in subsection (13) from the beginning of the subsection to the word "but"; in section twenty-two, in subsection (1) the words from "including" to the end of the subsection, in subsection (2) the words "the members and deputy members, and the clerk and other officers and servants of the Tribunal", and in subsection (3) the words "the Tribunal"; and subsection (2) of section twenty-three.



CHAPTER 50.

An Act to amend the law with respect to customs
in the Isle of Man. [6th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) In lieu of the duties imposed on tobacco by section four of the Act of 1943, there shall, until the first day of August, nineteen hundred and forty-eight, be payable, on the removal or importation into the Isle of Man of tobacco of the descriptions specified in the first column of the Schedule to this Act, the following duties of customs— Tobacco.

(a) in the case of tobacco not being an Empire product, duties at the rates respectively specified in the second column of that Schedule ; and

(b) in the case of tobacco being an Empire product, duties at the rates respectively specified in the third column of that Schedule.

(2) In the said Schedule the expression “ stripped tobacco ” means tobacco of which the leaf is not complete by reason of the removal of the stalk or midrib or of some portion thereof, but tobacco shall not be deemed to be stripped tobacco solely by reason of its having been subjected to such process of butting as the Commissioners may allow.

(3) In this section the expression “ Empire product ” has the same meaning as in section five of the Act of 1919 as amended by any subsequent enactment.

(4) This section shall be deemed to have come into operation on the twenty-third day of April, nineteen hundred and forty-seven.

2.—(1) The Governor may by regulations made with the consent of the Treasury provide— Relief for
Isle of Man
pensioners in
respect of
increase in
tobacco duty.

(a) for mitigating, in the case of Isle of Man pensioners satisfying the conditions of the regulations (whether as to age, class of pension or otherwise), the effect of the increase in the retail price of tobacco occasioned by the duties imposed by this Act ; and

(b) for making up, out of sums received by the Commissioners on account of customs duties, the deficiency in the price received by persons supplying Isle of Man pensioners with tobacco in pursuance of the regulations.

(2) Regulations under this section may contain incidental and supplementary provisions and may in particular provide—

- (a) for preventing abuses of the provisions thereby made or of documents or tokens issued for the purposes thereof;
- (b) for the issue of tokens through the Post Office, and for applying, with the necessary adaptations, as respects tokens all or any of the provisions (including penal provisions) of section sixty-five of the Post Office Act, 1908, as amended by any subsequent enactment, and of the following Acts of Tynwald, that is to say, the Public Offices (Fees) Act, 1888, and the Stamps Management Act, 1936; and
- (c) without prejudice to the last preceding paragraph, for the imposition of penalties (including customs penalties) in respect of any contravention of or failure to comply with the regulations, so, however, that no person shall by virtue of this paragraph be punishable otherwise than on summary conviction or be liable for any offence to imprisonment for a term exceeding three months or to a fine exceeding one hundred pounds.

(3) In this section the expression "Isle of Man pensioner" means a person to whom a pension has been awarded under an Act of Tynwald for the time being in force in the Isle of Man and relating to pensions.

(4) Regulations under this section may give effect to any arrangements made between the Treasury and the appropriate authority in the Isle of Man for co-ordinating any systems of relief for pensioners established respectively under any Act of the present Session relating to Finance and under this section so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system.

Relief from
duty on
imported
legacies, etc.

3. Where it is shown to the satisfaction of the Commissioners that any goods removed or imported into the Isle of Man on or after the tenth day of September, nineteen hundred and forty-six, were chattels belonging to or in the possession of a deceased person which had been used before his death and were not at the time of his death used or held by him for business purposes, and that the removal or importation thereof was by or for a person resident in the Isle of Man who upon that death became entitled thereto by virtue of any testamentary disposition or intestacy, the Commissioners may remit or repay any customs duty which would otherwise be payable on the removal or importation thereof.

Extension of
power to vary
artificial
silk duties.
23 & 24 Geo. 5.
c. 19.

4. For the purposes of section four of the Act of 1933 (which empowers the Governor by order to make provision corresponding to any order of the Treasury made under section nine of the Finance Act, 1933, and varying the duties on artificial silk and articles made wholly or in part of artificial silk) the provisions of

any Act of the present Session relating to Finance, being provisions reducing any of the said duties, shall be treated as having been effected by an order made by the Treasury under the said section nine, and any order of the Governor made by virtue of this section may have effect as from the date as from which the corresponding provision of the said Act relating to Finance has effect.

5.—(1) Subject to the provisions of this section, the duties of Annual duties customs imposed on goods removed or imported into the Isle of (continuation) Man, being goods of the descriptions set out in the first column of the following Table by the respective enactments set out in the second column of that Table, shall continue to be payable until the first day of August, nineteen hundred and forty-eight :—

TABLE.

Description of goods.	Enactment imposing duty.
Ale and beer	Section 1 of the Act of 1940.
Cocoa	Section 4 of the Act of 1924.
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
Hop oil	Section 3 of the Act of 1929.
Matches	Section 6 of the Act of 1940.
Silk and artificial silk and articles made wholly or in part from silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the Second Act of 1932, section 4 of the Act of 1933, section 3 of the Act of 1936, section 3 of the Act of 1937 and section 4 of this Act.
Spirits	Section 1 of the Act of 1943.
Sweets	Section 3 of the Act of 1943.
Tea	Section 5 of the Act of 1938.
Wines	Section 2 of the Act of 1943.

(2) Where any enactment set out in the second column of the foregoing Table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and forty-eight, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power (whether before or after the commencement of this Act) which are for the time being in force.

(3) This section shall be deemed to have come into operation on the first day of August, nineteen hundred and forty-seven.

6.—(1) This Act may be cited as the Isle of Man (Customs) Act, 1947. Short title and repeal.

(2) Section four of the Act of 1943 is hereby repealed as from the twenty-third day of April, nineteen hundred and forty-seven.

Section 1.

SCHEDULE.

RATES OF DUTIES ON TOBACCO.

Description of Tobacco.	Rates of duty per pound.	
	Non-Empire products.	Empire products.
Tobacco unmanufactured—	£ s. d.	£ s. d.
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—		
unstripped	2 14 10	2 13 3½
stripped... ..	2 14 10½	2 13 3½
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—		
unstripped	2 15 10	2 14 1½
stripped... ..	2 15 10½	2 14 1½
Tobacco manufactured, viz.—		
Cigars... ..	3 4 5	3 1 5½
Cigarettes	3 0 4	2 17 11½
Cavendish or Negrohead	2 19 4	2 17 1
Cavendish or Negrohead manufactured in bond	2 17 4	2 15 4½
Other manufactured tobacco	2 17 7	2 15 7½
Snuff—		
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	2 16 10	2 14 11½
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof	2 19 4	2 17 1
and so in proportion for any less quantity.		

CHAPTER 51.

Town and Country Planning Act, 1947.

ARRANGEMENT OF SECTIONS.

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

Sections.

1. The Minister.
2. The Central Land Board.
3. General provisions as to functions of Central Land Board.
4. Local planning authorities, etc.

PART II.

DEVELOPMENT PLANS.

5. Surveys of planning areas and preparation of development plans.
6. Amendment of development plans.
7. Additional powers of Minister with respect to development plans.

Sections.

8. Incorporation in development plans of orders relating to trunk roads and new towns.
9. Modification of development plans in relation to land designated as subject to compulsory acquisition.
10. Supplementary provisions as to development plans.
11. Validity and date of operation of development plans.

PART III.

CONTROL OF DEVELOPMENT, ETC

Permission to develop land.

12. Obligation to obtain permission for development.
13. Development orders.
14. Applications to local planning authorities for permission.
15. Reference of applications to Minister.
16. Appeals to Minister.
17. Applications to determine whether permission required.
18. Supplementary provisions as to grant of permission.
19. Obligation to purchase land on refusal of permission in certain cases.
20. Compensation for refusal of permission in certain cases.
21. Revocation and modification of permission to develop.
22. Supplementary provisions as to revocation and modification.
23. Enforcement of planning control.
24. Supplementary provisions as to enforcement.
25. Agreements regulating development or use of land.

Additional powers of control.

26. Powers relating to authorised uses.
27. Provisions supplementary to s. 26.
28. Orders for preservation of trees and woodlands.
29. Orders for preservation of buildings of special architectural or historic interest.
30. Lists of buildings of special architectural or historic interest.
31. Control of advertisements.
32. Provisions supplementary to s. 31.
33. Power to require proper maintenance of waste land, etc.

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34. Delegation of functions to councils of county districts, etc.
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ACQUISITION OF LAND, ETC.

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37. Compulsory acquisition of land by Ministers, local authorities and statutory undertakers.
38. Compulsory acquisition of land for development.
39. Power to expedite completion of purchase under s. 38.

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40. Acquisition of land by agreement for development.
41. Power to acquire buildings of special architectural or historic interest.
42. Power of local authorities to appropriate certain land for planning purposes.
43. Acquisition of land by Central Land Board.
44. Incorporation of certain provisions of Act of 1944.
45. Amendment of 9 & 10 Geo. 6. c. 49 in relation to acquisition of land under Part IV.
46. Acquisition of land by development corporations under New Towns Act, 1946.

Powers relating to highways.

47. Construction of highways on land acquired under Part IV.
48. Construction and improvement of private streets.
49. Power to stop up and divert highways, etc.

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AMENDMENTS OF LAW RELATING TO COMPENSATION
FOR COMPULSORY ACQUISITION OF LAND.

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51. Compensation for compulsory acquisition after appointed day.
52. Temporary provisions for eliminating special value attributable to vacant possession.
53. Compensation for compulsory acquisition of land attracting converted value payments.
54. Compensation for compulsory acquisition of requisitioned land.
55. Compensation for compulsory acquisition after passing of this Act and before appointed day.
56. Special provisions as to war-damaged land where compensation assessed by reference to cost of equivalent reinstatement.
57. Amendments of 9 & 10 Geo. 5. c. 57, &c.

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PAYMENTS OUT OF CENTRAL FUNDS IN RESPECT OF
DEPRECIATION OF LAND VALUES.*Payments for depreciation.*

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59. Additional payments in respect of certain war-damaged land.
60. Establishment of claims for payments.
61. Ascertainment of development values of land.
62. Supplementary provisions as to development values.
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65. Satisfaction of payments under Part VI.
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81. Mineral workings.
82. Land held by local authorities for general statutory purposes.
83. Land acquired by local authorities and development corporations for comprehensive development or re-development.
84. Operational land of statutory undertakers.
85. Land held on charitable trusts.
86. Land subject to claims for betterment under other Acts.
87. Crown Land.
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94. Other Exchequer grants to local authorities.
95. General provisions as to Exchequer grants to local authorities.
96. Grants in respect of certain compensation paid by planning authorities before appointed day.
97. Power of Ministers to contribute towards compensation paid by local authorities.
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- 109. Expenses of Ministers.
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- 112. Assumptions as to permission for development.
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Part I.—Development included in existing use for purposes other than compensation under s. 20.

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Part I.—Enactments repealed as from passing of this Act.

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Tenth Schedule.—Transitory provisions and provisions consequential on repeals.

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An Act to make fresh provision for planning the development and use of land, for the grant of permission to develop land and for other powers of control over the use of land; to confer on public authorities additional powers in respect of the acquisition and development of land for planning and other purposes, and to amend the law relating to compensation in respect of the compulsory acquisition of land; to provide for payments out of central funds in respect of depreciation occasioned by planning restrictions; to secure the recovery for the benefit of the community of development charges in respect of certain new development; to provide for the payment of grants out of central funds in respect of expenses of local authorities in connection with the matters aforesaid; and for purposes connected with the matters aforesaid. [6th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

1. The Minister for the purposes of this Act shall be the **The Minister.**
Minister of Town and Country Planning, and the expression "the Minister" in this Act shall be construed accordingly.

2.—(1) For the purpose of the performance of the functions **The Central
Land Board.**
assigned to them by the following provisions of this Act, and by any corresponding provisions which may be enacted in relation to Scotland, there shall be established a Board to be called the Central Land Board which shall be a body corporate by that name, with perpetual succession and a common seal.

(2) The Board shall consist of a chairman and such number of other members (not exceeding nine) as the Ministers may think expedient, to be appointed by the Ministers, and the Ministers may appoint one of the members of the Board to act as deputy chairman.

(3) The Board, with the approval of the Ministers, may appoint a Secretary to the Board, and such other officers and such servants as the Ministers may, with the consent of the Treasury, determine.

PART I.
—*cont.*

(4) There shall be paid to the members, officers and servants of the Board such remuneration (whether by way of salaries or by way of fees), and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as may be determined by the Ministers with the consent of the Treasury; and any such remuneration and allowances as aforesaid shall be defrayed out of moneys provided by Parliament.

(5) The Ministers may make regulations with respect to any of the following matters, that is to say:—

- (a) the appointment of members of the Board, and their tenure and vacation of office;
- (b) the execution of instruments by or on behalf of the Board, and the proof of documents purporting to be executed, issued or signed by the Board or by a member, officer or servant thereof,

and subject to the provisions of any such regulations as aforesaid, the Board shall have power to regulate their own procedure (including the manner in which matters subject to the determination of the Board are to be determined by or on behalf of the Board).

(6) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members thereof, or by any defect in the appointment of a member thereof.

(7) The Board shall, as soon as possible after the end of each financial year of the Board, make to the Ministers a report on the exercise and performance by them of their functions during that year; and the Ministers shall lay a copy of every such report before each House of Parliament.

(8) In this section the expression “Ministers” means the Minister and the Secretary of State concerned with town and country planning in Scotland.

General provisions as to functions of Central Land Board.

3.—(1) The Central Land Board shall, in the performance of their functions under this Act, comply with such directions of a general character as may be given to them by the Minister.

(2) The report made for any year under subsection (7) of the last foregoing section shall set out any direction given by the Minister to the Board during that year unless the Minister has notified to the Board his opinion that it is against the interests of national security so to do.

(3) The functions under this Act of the Board, and of their officers and servants, shall be exercised on behalf of the Crown.

(4) Regulations made for the purposes of the last foregoing section shall provide for requiring members of the Board who are interested in any land the subject of a claim or application made to the Board under this Act to disclose to the Board the nature of their interest, and may for that purpose apply any of the provisions of section one hundred and forty-nine of the Companies Act, 1929, subject to such modifications as may be prescribed by the regulations.

PART I.
—cont.

19 & 20 Geo 5.
c. 23.

(5) Any administrative expenses incurred for the purposes of this Act by the Board with the approval of the Minister shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

4.—(1) Subject to the provisions of this section, the local planning authority for the purposes of this Act shall, for each county or county borough, be the council of that county or borough.

Local planning
authorities,
etc.

(2) If it appears to the Minister that it is expedient that a joint board should be established as the local planning authority for the areas of any two or more such councils as aforesaid, or for any parts of those areas, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a joint planning board) as the local planning authority for that district:

Provided that the Minister shall not make such an order except after holding a local enquiry unless all the councils concerned have consented to the making of the order.

(3) Where an inquiry has been held under the provisions of the last foregoing subsection, the order shall be laid before Parliament and if either house, within a period of forty days after the order is so laid before it, resolves that the order be annulled, the order shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning for the purposes of this subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the constitution of joint planning boards under this section; and the provisions of Parts II and III of that Schedule shall have effect with respect to the establishment and functions of planning committees and joint advisory committees of local planning authorities.

PART I.
—cont.

(5) References in this Act to a local planning authority (except references thereto in the said First Schedule) or to a local authority shall include references to a joint planning board constituted under this section; and references in this Act to the area of a local planning authority shall be construed—

(a) in relation to a joint planning board, as references to the united district for which the board is constituted; and

(b) in relation to a local planning authority for an area of which part only is included in such a district, as references to that part of that area which is not so included.

(6) If it appears to the Minister, after consultation with the local authorities concerned, to be expedient that any land acquired by a local authority under section thirty-eight or forty of this Act should be held by a joint body consisting of representatives of that authority and of any other local authority, he may by order provide for the establishment of such a joint body and for the transfer to that body of the land so acquired; and any such order may make such provision as the Minister considers expedient with respect to the constitution and functions of the joint body including provisions—

(a) for incorporating the joint body;

(b) for conferring on them, in relation to the land transferred to them as aforesaid, any of the powers conferred on local authorities by Part IV of this Act in relation to land acquired and held by such authorities for the purposes of the said Part IV;

(c) for determining the manner in which their expenses are to be defrayed.

PART II.

DEVELOPMENT PLANS.

Surveys of
planning
areas and
preparation of
development
plans.

5.—(1) As soon as may be after the appointed day, every local planning authority shall carry out a survey of their area, and shall, not later than three years after the appointed day, or within such extended period as the Minister may in any particular case allow, submit to the Minister a report of the survey together with a plan (hereinafter called a "development plan") indicating the manner in which they propose that land in that area should be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development should be carried out.

(2) Subject to the provisions of any regulations made under this Act for regulating the form and content of development

plans, any such plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of the area; and any such plan may in particular—

(a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;

(b) designate, as land subject to compulsory acquisition by any Minister, local authority or statutory undertakers any land allocated by the plan for the purposes of any of their functions (including any land which that Minister or authority or those undertakers are or could be authorised to acquire compulsorily under any enactment other than this Act);

(c) designate as land subject to compulsory acquisition by the appropriate local authority—

(i) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein which is allocated by the plan for any such purpose as is mentioned in paragraph (b) of this subsection), or any land contiguous or adjacent to any such area;

(ii) any other land which, in the opinion of the local planning authority, ought to be subject to compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(3) For the purposes of this section, a development plan may define as an area of comprehensive development any area which in the opinion of the local planning authority should be developed or re-developed as a whole, for any one or more of the following purposes, that is to say for the purpose of dealing satisfactorily with extensive war damage or conditions of bad lay-out or obsolete development, or for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area, or for any other purpose specified in the plan; and land may be included in any area so defined, and designated as subject to compulsory purchase in accordance with the provisions of subsection (2) of this section, whether or not provision is made by the plan for the development or redevelopment of that particular land.

PART II.
—*cont.*

(4) The Minister may approve any development plan submitted to him under this section either without modification or subject to such modifications as he considers expedient:

Provided that—

(a) the Minister shall not approve a development plan which designates any land as subject to compulsory acquisition as aforesaid if it appears to him that the acquisition is not likely to take place within ten years from the date on which the plan is approved, or, in the case of land being agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, within seven years from that date;

18 & 19 Geo. 5.
c. 44.

(b) the Minister shall not, except with the consent of all persons interested, approve a development plan subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him;

(c) where a development plan as submitted to the Minister designates as subject to compulsory acquisition any such land as is mentioned in paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which relates to land of local authorities and statutory undertakers and inalienable land of the National Trust) then, if objection to the proposed designation is duly made by the local authority or statutory undertakers or the National Trust, as the case may be, and is not withdrawn, the land shall not be so designated except in pursuance of an order made by the Minister (or, in the case of land being operational land of statutory undertakers, by the Minister and the appropriate Minister) and any such order shall be subject to special parliamentary procedure.

9 & 10 Geo. 6.
c. 49.

(5) At any time before a development plan with respect to the whole of the area of a local planning authority has been approved under this section, that authority may, with the consent of the Minister, and shall if so required by directions of the Minister, prepare and submit to him a development plan relating to any part of that area, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of that area.

**Amendment of
development
plans.**

6.—(1) At least once in every five years after the date on which a development plan for any area is approved by the Minister, the local planning authority shall carry out a fresh

survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto.

(2) Without prejudice to the provisions of the foregoing subsection, any local planning authority may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the development plan relating to their area or any part thereof as appear to them to be expedient, or as may be required by those directions, as the case may be.

(3) Where proposals for alterations or additions to a development plan are submitted to the Minister under this section, the Minister may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations, and any such amendment may in particular provide for securing that any land previously designated by the plan as subject to compulsory acquisition shall cease to be so designated, or that any land not previously so designated shall be so designated:

Provided that the proviso to subsection (4) of the last foregoing section shall apply in relation to the amendment of a development plan by the Minister as it applies in relation to the approval of such a plan by him, and for that purpose shall have effect—

(a) as if for the reference in paragraph (a) to the date on which the plan is approved there were substituted a reference to the date on which the amendment is effected; and

(b) as if for the references in paragraphs (b) and (c) to the plan as submitted to the Minister there were substituted references to the proposals submitted to him under this section.

(4) Where, under subsection (5) of the last foregoing section, a development plan is approved with respect to a part of the area of a local planning authority, the periods of five years mentioned in subsection (1) of this section shall run from the date on which development plans in respect of the whole of the area of the local planning authority have been approved by the Minister but without prejudice to the provisions of subsection (2) of this section.

7.—(1) Where, by virtue of any of the foregoing provisions of this Part of this Act, or of any directions of the Minister thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Minister, then—

Additional powers of Minister with respect to development plans.

(a) if within the period prescribed in that behalf by those provisions or directions no such plan, report

PART II.
—cont.

or proposals, or no such plan or proposals satisfactory to the Minister, have been so submitted or

- (b) if at any time the Minister is satisfied, after holding a local inquiry, that the local planning authority are not taking the steps necessary to enable them to submit such a plan, report or proposals within that period,

the Minister may, after carrying out any survey which appears to him to be expedient for the purpose, make such development plan, or as the case may be, amend the development plan to such extent, as he considers expedient.

(2) Where, under the foregoing provisions of this section, the Minister has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any neighbouring area, or any other local planning authority which appears to the Minister to have an interest in the proper planning of the area concerned, to submit such a plan to him for his approval, or, as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose, and may approve any plan so submitted either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend the plan to such extent as he considers expedient having regard to the proposals so submitted and to any other material considerations.

(3) The foregoing provisions of this Part of this Act shall, so far as applicable, apply to the making, approval or amendment of development plans under this section, and to plans so made, approved or amended, as they apply to the approval or amendment of development plans under those provisions, and to plans approved or amended thereunder.

(4) Any expenses incurred by the Minister under this section in connection with the making or amendment of a plan with respect to the area, or any part of the area, of a local planning authority, shall be paid in the first instance out of moneys provided by Parliament, but so much of those expenses as may be certified by the Minister to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Minister.

(5) Where, under this section, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Minister by the local planning authority for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by the said authority, as

certified by the Minister, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

PART II.
—cont.

8.—(1) Where an order is made by the Minister of Transport in accordance with the Second Schedule to the Trunk Roads Act, 1946, directing that any road proposed to be constructed by him shall become a trunk road, or authorising him to construct or improve any road under section four of that Act, any development plan approved or made under this Act which relates to land on which a road is to be constructed or improved in accordance with that order shall have effect as if the provisions of that order were included in the plan.

Incorporation
in develop-
ment plans
of orders
relating to
trunk roads
and new
towns.
9 & 10 Geo. 6.
c. 30.

(2) Where an order is made by the Minister under section one of the New Towns Act, 1946, designating any area as the site of a new town under that Act, any development plan approved or made under this Act which relates to land in that area shall have effect as if the provisions of that order were included in the plan.

9 & 10 Geo. 6.
c. 68.

(3) Nothing in this section shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Minister or as for the time being amended, of provisions defining the line of roads proposed to be constructed by the Minister of Transport in accordance with any such order as is mentioned in subsection (1) of this section, or areas designated as the sites of new towns by any such order as is mentioned in subsection (2) of this section, or of provisions defining land as likely to be made the subject of any such order as aforesaid.

(4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in subsection (1) or subsection (2) of this section to be taken concurrently with proceedings required under this Act to be taken in connection with the approval or making of a development plan relating to land to which any such order applies or in connection with any amendment of a development plan rendered necessary or desirable in consequence of any such order.

9.—(1) Where any land is designated by a development plan as subject to compulsory acquisition, then if at the expiration of twelve years from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated came into operation, any of that land has not been acquired by a Minister, local authority or statutory undertakers who could be authorised to acquire it compulsorily under the provisions of this Act, any owner of the land may, within the time and in the manner prescribed by regulations under this Act, serve on the local planning authority a notice requiring his interest in the land to be so acquired.

Modification
of develop-
ment plans
in relation to
land
designated as
subject to
compulsory
acquisition.

PART II.
—*cont.*

(2) Where any such notice is served as aforesaid, then unless within six months after the service of the notice either—

(a) notice to treat in respect of the interest to which the notice relates has been served by any such Minister, authority or undertakers as aforesaid; or

(b) an offer has been made to the owner of the said interest by any such Minister, local authority or undertakers to acquire it on terms that the price payable therefor shall be equal to (and shall be determined, in default of agreement, in like manner as) the compensation which would be payable in respect of that interest if it were acquired compulsorily,

the development plan shall have effect, after the expiration of the said six months, as if the land were not designated as subject to compulsory acquisition.

9 & 10 Geo. 5.
c. 57. (3) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is served as mentioned in paragraph (a) of the last foregoing subsection.

(4) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority (not being land comprised in an area defined by the plan as an area of comprehensive development) then if permission is granted under Part III of this Act for any development of the land so designated, or any part thereof, and that development is carried out in accordance with the permission so granted, the development plan shall have effect as if the land to which the permission relates were not designated as subject to compulsory acquisition:

Provided that where any such permission as aforesaid is granted for a limited period only, the provisions of this subsection shall cease to have effect in relation to the land at the expiration of that period.

(5) In relation to land being agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, subsection (1) of this section shall have effect as if for the words " twelve years " there were substituted the words " eight years ".

Supple-
mentary
provisions as
to develop-
ment plans.

10.—(1) A local planning authority shall, before preparing a development plan relating to any land comprised in any county district, or proposals for alterations or additions to any such plan, consult with the council of that district and shall, before submitting any such plan or proposals to the Minister, give to that council an opportunity to make representations with respect thereto and consider any representations so made.

(2) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with the preparation, submission, approval, making and amendment of such plans, and such regulations shall in particular make provision for securing—

- (a) that notice shall be given by advertisement in the London Gazette and in at least one newspaper circulating in the area concerned of the submission to the Minister of any such plan or of proposals for the amendment of any such plan, and of any proposal by the Minister to make or amend such a plan and of the place or places where copies of the plan or proposals as so submitted, or of any such proposal of the Minister, may be inspected.
- (b) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed by the regulations shall be held, before such a plan is approved, made or amended by the Minister; and
- (c) that copies of any such plan as approved or made by the Minister, including any amendments thereof, shall be available for inspection by the public, and that copies thereof (including reproductions on such scale as may be appropriate of any relevant maps) shall be available on sale to the public at a reasonable cost.

(3) If as the result of any objections or representations considered, or local inquiry or other hearing held, in connection with a development plan or proposals for amendment of such a plan submitted to or prepared by the Minister under this Part of this Act, the Minister is of opinion that the local planning authority or any other authority or person ought to be consulted before he decides whether to approve or make the plan either with or without modifications, or to amend the plan, as the case may be, he shall consult that authority or person, but shall not be under any obligation to consult any other authority or person, or to afford any opportunity for further objections or representations or to cause any further local inquiry or other hearing to be held.

(4) Subject to the foregoing provisions of this section, the Minister may give directions to any local planning authority, or to local planning authorities generally—

- (a) for formulating the procedure for the carrying out of their functions under the foregoing provisions of this Part of this Act;

PART II.
—*cont.*

- (b) for requiring them to furnish to him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

9 & 10 Geo. 6.
c. 18.

(5) In the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made in pursuance of paragraph (c) of the proviso to subsection (4) of section five of this Act, any requirements imposed by regulations under this section with respect to the publication of notices and the consideration of objections in relation to the development plan shall be deemed for the purposes of section two of that Act to be requirements with respect to proceedings preliminary to the making of the order.

Validity and
date of
operation of
development
plans.

11.—(1) Immediately after a development plan has been approved or made or amended by the Minister under this Part of this Act, the local planning authority shall publish in such manner as may be prescribed by regulations under this Act a notice stating that the plan has been approved, made, or amended, as the case may be, and naming a place where a copy of the plan or of the plan, as amended, may be seen at all reasonable hours, and shall serve a like notice on any person by whom an objection or representation was duly made to the proposed plan or amendment, and who has sent to the authority a request in writing to serve him with the notice required by this subsection, specifying an address for service, and on such other persons, if any, as may be required by general or special directions given by the Minister.

(2) If any person aggrieved by the plan or by the amendment, as the case may be, desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of this Act, or on the ground that any requirement of this Act or any regulation made thereunder has not been complied with in relation to the approval or making of the plan, or, as the case may be, in relation to the making of the amendment, he may, within six weeks from the date on which the notice required by the last foregoing subsection is first published, make an application to the High Court, and on any such application the Court—

- (a) may by interim order suspend the operation of the plan or amendment, as the case may be, or of any provision contained therein either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the plan or amendment, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply

with any such requirement as aforesaid, may quash the plan or amendment or any provision contained therein either generally or in so far as it affects any property of the applicant.

PART II.
—cont.

(3) Subject to the provisions of the last foregoing subsection, a development plan or an amendment of a development plan shall not, either before or after it has been approved or made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which the notice required by this section is first published.

(4) Where, under paragraph (c) of the proviso to subsection (4) of section five of this Act, any land to which a development plan relates is designated as subject to compulsory acquisition in pursuance of an order to which the Statutory Orders (Special Procedure) Act, 1945, applies, then—

- (a) if that order is confirmed by Act of Parliament under section six of that Act, subsections (2) and (3) of this section shall not apply to the plan so far as it so designates that land; and
- (b) in any other case, this section shall have effect in relation to the plan, so far as it so designates that land, as if in subsection (2) for the reference to the date on which the notice required by subsection (1) is first published there were substituted a reference to the date on which the order becomes operative under the said section six, and as if in subsection (3) the words from “ and shall become operative ” to the end of the subsection were omitted.

PART III.

CONTROL OF DEVELOPMENT, ETC.

Permission to develop land.

12.—(1) Subject to the provisions of this section and to the following provisions of this Act, permission shall be required under this Part of this Act in respect of any development of land which is carried out after the appointed day.

Obligation
to obtain
permission for
development.

(2) In this Act, except where the context otherwise requires, the expression “ development ” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land:

Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to involve development of the land, that is to say:—

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being

PART III.
—*cont.*

works which affect only the interior of the building or which do not materially affect the external appearance of the building;

- (b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road;
- (c) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation), and the use for any of those purposes of any building occupied together with land so used;
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purpose of the same class.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used;
- (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if the superficial area or the height of the deposit is thereby extended:

Provided that nothing in paragraph (b) of this subsection shall be deemed to require permission in respect of the deposit of refuse or waste materials on a site already used for that purpose if the height of the deposit does not exceed the level of the land adjoining such site, and the superficial area of the deposit is not thereby extended.

(4) Without prejudice to the provisions of any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this

section as involving a material change in the use of that part of the building.

PART III.
—cont.

(5) Notwithstanding anything in this section, permission shall not be required under this Part of this Act—

- (a) in the case of land which, on the appointed day, is being used temporarily for a purpose other than the purpose for which it is normally used, in respect of the resumption of the use of the land for the last-mentioned purpose;
- (b) in the case of land which, on the appointed day, is normally used for one purpose and is also used on occasions, whether at regular intervals or not, for any other purpose, in respect of the use of the land for that other purpose on similar occasions after the appointed day;
- (c) in the case of land which on the appointed day is unoccupied, in respect of the use of the land for the purpose for which it was last used:

Provided that—

- (i) in determining for the purposes of paragraph (a) of this subsection the purposes for which land was normally used and in determining for the purposes of paragraph (c) of this subsection the purposes for which land was last used no account shall be taken of any use of the land begun in contravention of previous planning control within the meaning of section seventy-five of this Act;
- (ii) paragraph (c) of this subsection shall not apply to land which was unoccupied on the seventh day of January nineteen hundred and thirty-seven and has not been occupied since that date.

13.—(1) The Minister shall by order provide for the grant of permission for the development of land under this Part of this Act, and such permission may be granted—

- (a) in the case of any development specified in any such order, or in the case of development of any class so specified, by that order itself;
- (b) in any other case, by the local planning authority (or, in the cases hereinafter provided, by the Minister) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.

(2) An order under subsection (1) of this section (hereinafter called a "development order") may be made either as a general order applicable (subject to such exceptions as

PART III.
—*cont.*

may be specified therein) to all land, or as a special order applicable only to such land as may be so specified, and the permission granted by any such order may be granted either unconditionally or subject to such conditions or limitations as may be so specified.

(3) Without prejudice to the generality of the last foregoing subsection, a development order which grants permission for any development may—

(a) where permission is thereby granted for the erection, extension or alteration of any buildings, require the approval of the local planning authority to be obtained with respect to the design or external appearance thereof;

(b) where permission is thereby granted for development of any specified class, enable the Minister or the local planning authority to direct that that permission shall not apply either in relation to development in any particular area or in relation to any particular development.

(4) For the purpose of enabling development to be carried out in accordance with permission granted under this Part of this Act, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment passed before the passing of this Act, or any regulations, orders or byelaws made (whether before or after the passing of this Act) under any such enactment, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.

(5) Every development order shall be laid before Parliament immediately after it is made, and if either House within the period of forty days after the order is so laid before it resolves that the order be annulled, the order shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order:

Provided that, without prejudice to the foregoing provision, where any such order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the excepted enactments specified in the Second Schedule to this Act) the order shall be of no effect until that provision is approved by resolution of each House of Parliament.

(6) In reckoning for the purpose of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

14.—(1) Subject to the provisions of this and the next following section, where application is made to the local planning authority for permission to develop land, that authority may grant permission either unconditionally or subject to such conditions as they think fit, or may refuse permission; and in dealing with any such application the local planning authority shall have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations.

PART III.

—cont.

Applications
to local
planning
authorities
for permission.

(2) Without prejudice to the generality of the foregoing subsection, conditions may be imposed on the grant of permission to develop land thereunder—

- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;
- (b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the re-instatement of land at the expiration of that period;

and any permission granted subject to any such condition as is mentioned in paragraph (b) of this subsection is in this Act referred to as permission granted for a limited period only.

(3) Provision may be made by a development order for regulating the manner in which applications for permission to develop land are to be dealt with by local planning authorities, and in particular—

- (a) for enabling the Minister (or, in the case of development affecting trunk roads, the Minister of Transport) to give directions restricting the grant of permission by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;
- (b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Minister thereunder, to grant permission for development which does not accord with the provisions of the development plan;

PART III.
—cont.

- (c) for requiring the local planning authority, before granting or refusing permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;
- (d) for requiring the local planning authority to give to any applicant for permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
- (e) for requiring the local planning authority to furnish to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for permission made to them, including information as to the manner in which any such application has been dealt with.

(4) Without prejudice to any provisions included in the development order by virtue of the last foregoing subsection for restricting the grant of permission by local planning authorities, an application to the local planning authority for permission to develop land by the erection thereon of an industrial building of any class prescribed by regulations made for the purposes of this subsection by the Board of Trade shall be of no effect unless it is certified by the Board that the development in question can be carried out consistently with the proper distribution of industry, and a copy of the certificate is furnished to the local planning authority together with the application:

Provided that—

- (a) no such certificate as aforesaid shall be required in respect of the erection of any industrial building which will have an aggregate floor space not exceeding five thousand square feet; and
- (b) the regulations made by the Board for the purposes of this subsection may direct that no such certificate as aforesaid shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class as may be so prescribed.

(5) Every local planning authority shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for permission made to that authority, including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

15.—(1) The Minister may give directions to any local planning authority, or to local planning authorities generally, requiring that any application for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the local planning authority, and any such application shall be so referred accordingly.

PART III.
—cont.
Reference of
applications
to Minister.

(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of subsections (1) and (2) of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the local planning authority:

Provided that before determining any such application the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on any application referred to him under this section shall be final.

16.—(1) Where application is made under this Part of this Act to a local planning authority for permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision he may by notice served within the time, not being less than twenty-eight days from the receipt of notification of their decision, and in the manner prescribed by the development order, appeal to the Minister:

Appeals to
Minister.

Provided that the Minister shall not be required to entertain an appeal under this subsection in respect of the determination of an application for permission to develop land if it appears to him that permission for that development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section fourteen of this Act and of the development order, and to any directions given under that order.

(2) Where an appeal is brought under this section from a decision of the local planning authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the local planning authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance; and

PART III.
—cont.

the provisions of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority either—

(a) give notice to the applicant of their decision on any application for permission to develop land, or for any approval required under a development order, made to them under this Part of this Act, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given by him under the last foregoing section, the provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority and as if notification of their decision had been received by the applicant at the expiration of the period prescribed by the development order or the extended period agreed upon as aforesaid, as the case may be.

(4) Provision may be made by a development order for securing that in the case of decisions by a local planning authority of such classes as may be prescribed by the order (being decisions relating to the design or external appearance of buildings or other similar matters) any appeal under this section shall lie to an independent tribunal established in accordance with the provisions of that order instead of to the Minister; and in relation to any such appeal the foregoing provisions of this section shall apply, subject to such adaptations and modifications as may be specified in the order, as they apply in relation to appeals to the Minister thereunder.

Applications to determine whether permission required.

17.—(1) If any person who proposes to carry out any operations on land or make any change in the use of land wishes to have it determined whether the carrying out of those operations or the making of that change in the use of the land, would constitute or involve development of the land within the meaning of this Act, and, if so, whether an application for permission in respect thereof is required under this Part of this Act having regard to the provisions of the development order, he may, either as part of an application for such permission, or without any such application, apply to the local planning authority to determine that question.

PART III.
—cont.

(2) The foregoing provisions of this Part of this Act shall subject to any necessary modifications, apply in relation to any application under this section and to the determination thereof as they apply in relation to applications for permission to develop land and to the determination of such applications:

Provided that where it is decided by the Minister under any of the said provisions that any operations or use to which an application under this section relates would constitute or involve development of the land, or that an application for permission is required as aforesaid in respect thereof, that decision shall not be final for the purposes of any appeal to the court under the provisions of this Part of this Act relating to the enforcement of planning control, in relation to those operations or that use.

18.—(1) The power to grant permission to develop land under this Part of this Act shall include power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without permission granted under this Part of this Act or in accordance with permission so granted for a limited period only); and references in this Part of this Act to permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly.

Supplementary provisions as to grant of permission.

(2) Any such permission as is mentioned in the foregoing subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the said period, as the case may be.

(3) Where permission is granted under this Part of this Act for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where permission to develop land is granted under this Part of this Act, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being interested therein, but without prejudice to the provisions of this Part of this Act with respect to the revocation and modification of permission granted thereunder.

(5) Where permission to develop land is granted under this Part of this Act for a limited period only, nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of

PART III.
—*cont.*

that period, of the use of the land for the purpose for which it was normally used before the permission was granted:

Provided that in determining for the purposes of this subsection the purposes for which land was normally used before the grant of permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part of this Act or begun before the appointed day in contravention of previous planning control within the meaning of section seventy-five of this Act.

Obligation
to purchase
land on refusal
of permission
in certain
cases.

19.—(1) Where permission to develop any land is refused, whether by the local planning authority or by the Minister, on an application in that behalf made under this Part of this Act, or is granted by that authority or by the Minister subject to conditions, then if any owner of the land claims—

- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
- (b) in a case where permission to develop the land was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions;
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been or is deemed to be granted under this Part of this Act, or for which the local planning authority or the Minister have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the council of the county borough or county district in which the land is situated a notice (hereinafter referred to as a "purchase notice") requiring that council to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on any council under this section, that council shall forthwith transmit a copy of the notice to the Minister, and subject to the following provisions of this section the Minister shall, if he is satisfied that the conditions specified in paragraphs (a) to (c) of the foregoing subsection are fulfilled, confirm the notice, and thereupon the council shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct:

Provided that—

PART III.
—cont.

- (a) if it appears to the Minister to be expedient so to do, he may, in lieu of confirming the purchase notice, grant permission for the development in respect of which the application was made or, where permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;
 - (b) if it appears to the Minister, that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;
 - (c) if it appears to the Minister, having regard to the probable ultimate use of the land, that it is expedient so to do, he may, if he confirms the notice, modify it, either in relation to the whole or in relation to any part of the land to which it relates, by substituting any other local authority for the council on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.
- (3) If within the period of six months from the date on which a purchase notice is served under this section the Minister has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection, nor notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the council on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.
- (4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

PART III.
—*cont.*

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Minister shall give notice of his proposed action—

- (a) to the person by whom the notice was served;
- (b) to the council on whom the notice was served;
- (c) to the local planning authority for the area in which the land is situated; and
- (d) to any other local authority whom the Minister proposes, under the foregoing provisions of this section, to substitute for the said council;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person or authority on whom that notice is served so requires, the Minister shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons and authorities an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

Compensation
for refusal of
permission in
certain
cases.

20.—(1) Where, on application made under this Part of this Act for permission to carry out development of any class specified in Part II of the Third Schedule to this Act permission for that development is refused by the Minister, either on appeal or on the reference of the application to him for determination, or is so granted by the Minister subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the value of the interest of any person in the land is less than it would have been if the permission had been granted, or had been granted unconditionally, as the case may be, the local planning authority shall pay to that person compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(2) In determining for the purposes of the foregoing subsection whether and to what extent the value of any interest in land is less than it would have been if the permission had been granted or had been granted unconditionally, it shall be assumed that any subsequent application for the like permission would be determined in the same way:

Provided that if, on the refusal of permission for the development in respect of which the application is made, the Minister undertakes to grant permission for any other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking in determining the matters aforesaid.

(3) Where a purchase notice served under the last foregoing section in respect of any interest in land does not take effect.

or does not take effect in relation to any part of the land, by reason of any such direction as is mentioned in paragraph (b) of the proviso to subsection (2) of that section, then if it is shown, on a claim made to the local planning authority, within the time and in the manner prescribed by regulations under this Act that the permitted development value of that interest or, as the case may be, of that interest so far as it relates to that part of the land, is less than its compulsory purchase value, the local planning authority shall pay to the person entitled to that interest compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(4) For the purposes of the last foregoing subsection the expression "permitted development value", in relation to an interest in land in respect of which any such direction as is mentioned in that subsection has been given, means the value of that interest calculated with regard to the direction and to any determination of the Central Land Board under subsection (4) of section seventy of this Act, but on the assumption that no permission would be granted under this Part of this Act otherwise than in accordance with the direction; and the expression "compulsory purchase value", in relation to any such interest, means the value of that interest as it would be assessed in accordance with the provisions of section fifty-one of this Act for the purpose of ascertaining the compensation payable on a purchase thereof in pursuance of the purchase notice.

(5) Where any such permission as is mentioned in subsection (1) of this section is granted by the Minister subject to conditions, or where any permission required to be granted by any such direction as is mentioned in subsection (3) of this section would be so granted subject to conditions, being in either case conditions for regulating the design or external appearance of buildings, or the size or height of buildings, or, in the case of permission to be granted in accordance with any such direction as aforesaid, for regulating the number of buildings to be erected on the land, then if it appears to the Minister that it is reasonable so to do having regard to the local circumstances, he may direct that those conditions shall be disregarded, either altogether, or to such extent as may be specified in the direction, in assessing the compensation (if any) payable under the said subsection (1) or under the said subsection (3), as the case may be.

(6) Except as provided by subsection (3) of this section, no compensation shall be payable under this section in respect of any interest in land in respect of which a purchase notice is served under section nineteen of this Act.

PART III.
—*cont.*
Revocation
and modifica-
tion of
permission to
develop.

21.—(1) Subject to the provisions of this section, if it appears to the local planning authority that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land granted on an application made in that behalf under this Part of this Act should be revoked or modified, they may by order revoke or modify the permission to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within such period as may be prescribed in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The power conferred by this section to revoke or modify permission to develop land may be exercised—

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

Supplemen-
tary provisions
as to revoca-
tion and
modification.

22.—(1) Where permission to develop land is revoked or modified by an order made under the last foregoing section, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person interested in the land has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage:

Provided that unless either—

- (a) any sum has been paid under Part VII of this Act by way of development charge in respect of the development to which the permission relates; or
- (b) no such charge is payable in respect of that development by virtue of any of the provisions of Part VIII of this Act;

no compensation shall be payable under this subsection in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the permission which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.

(3) Where permission for the development of land granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then, if, on an application made in that behalf under this Part of this Act, permission for that development is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the permission granted by the development order had been granted by the local planning authority under this Part of this Act and had been revoked or modified by an order under the last foregoing section.

(4) The provisions of section nineteen of this Act shall apply in relation to an order made under the last foregoing section revoking permission to develop land or modifying any such permission by the imposition of conditions, as they apply in relation to the refusal of an application for such permission or the grant of such an application subject to conditions, and in any such case the said section nineteen shall have effect subject to the following modifications:—

- (a) in paragraph (b) of subsection (1), for the words “in a case where permission to develop the land was granted as aforesaid subject to conditions” there shall be substituted the words “in a case where the permission was modified by the imposition of conditions”; and

PART III.
—cont.

PART III.
—cont.

(b) for paragraph (a) of the proviso to subsection (2) there shall be substituted the following paragraph:—

“ (a) if it appears to the Minister to be expedient so to do he may, in lieu of confirming the purchase notice, cancel the order revoking the permission or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted ”.

(5) Where the permission which is revoked or modified by an order under the last foregoing section is permission of any such class as is mentioned in subsection (1) of section twenty of this Act, the provisions of that section shall apply as if for references therein to the refusal of the permission or the imposition of conditions on the grant thereof there were substituted references to the revocation of permission or the modification thereof by the imposition of conditions and subsection (1) of that section shall have effect as if for the words “ if the permission had been granted or had been granted unconditionally ” there were substituted the words “ if the permission had not been revoked or had not been modified ”.

(6) Where, by virtue of the foregoing provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if a purchase notice is served under section nineteen of this Act in respect of any interest in that land, or a claim for compensation is made in respect of any such interest under subsection (1) of section twenty of this Act, any compensation payable in respect of the acquisition of that interest under the said section nineteen or as the case may be, any compensation payable in respect of that interest under the said section twenty, shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

(7) Any compensation payable under this section in respect of loss or damage consisting of the depreciation in value of an interest in land shall be assessed in accordance with the provisions of the Fourth Schedule to this Act, and in calculating the amount of any such depreciation it shall be assumed that permission would be granted under this Part of this Act for development of the land of any class specified in the Third Schedule to this Act.

Enforcement
of planning
control.

23.—(1) If it appears to the local planning authority that any development of land has been carried out after the appointed day without the grant of permission required in

that behalf under this Part of this Act, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, then, subject to any directions given by the Minister, the local planning authority may within four years of such development being carried out, if they consider it expedient so to do having regard to the provisions of the development plan and to any other material considerations, serve on the owner and occupier of the land a notice under this section.

PART III.
—*cont.*

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the development which is alleged to have been carried out without the grant of such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following subsection, an enforcement notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein:

Provided that—

- (a) if within the period aforesaid an application is made to the local planning authority under this Part of this Act for permission for the retention on the land of any buildings or works, or for the continuance of any use of the land, to which the enforcement notice relates, the notice shall be of no effect pending the final determination of that application, and if such permission as aforesaid is granted on that application, the notice shall not take effect;
- (b) if within the period aforesaid an appeal is made to the court under the following provisions of this section by a person on whom the enforcement notice was served, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may, at any time within the period mentioned in the last foregoing subsection, appeal against the notice to a court of summary jurisdiction for the petty sessional division or place within

PART III.
—*cont.*

which the land to which the notice relates is situated; and on any such appeal the court—

- (a) if satisfied that permission was granted under this Part of this Act for the development to which the notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the notice to which the appeal relates;
- (b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;
- (c) in any other case shall dismiss the appeal:

Provided that where the enforcement notice is varied or the appeal is dismissed, then, without prejudice to the provisions of paragraph (a) of the proviso to subsection (3) of this section, the court may, if they think fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as the court think fit.

(5) Any person aggrieved by a decision of a court of summary jurisdiction under the last foregoing subsection may appeal against that decision to a court of quarter sessions.

Supplemen-
tary provisions
as to enforce-
ment.

24.—(1) If within the period specified in an enforcement notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the local planning authority may enter on the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf; and if that person, having been entitled to appeal to the court under the last foregoing section, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the local planning authority upon any ground which could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing section in respect of any development, and any sums paid by the owner of any land under the foregoing subsection in respect of the expenses of the local planning authority in taking steps required to be

taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

PART III.
—cont.

(3) Where, by virtue of an enforcement notice, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land or causes or permits the land to be used, or carries out or causes or permits to be carried out those operations, in contravention of the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(4) Nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this Part of this Act if the development in respect of which an enforcement notice is served under the last foregoing section had not been carried out.

(5) Provision may be made by regulations under this Act for applying in relation to steps required to be taken by an enforcement notice under the last foregoing section all or any of the following provisions of the Public Health Act, 1936, that is to say—

26 Geo. 5 &
1 Edw. 8. c. 49.

- (a) section two hundred and seventy-six (which empowers local authorities to sell materials removed in executing works under that Act, subject to accounting for the proceeds of sale);
- (b) section two hundred and eighty-nine (which confers power to require the occupier of any premises to permit works to be executed by the owner of the premises);
- (c) section two hundred and ninety-two (which confers power on local authorities to include a sum in respect of establishment charges in their expenses in executing works); and
- (d) section two hundred and ninety-four (which limits the liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act);

subject to such adaptations and modifications as may be specified in the regulations, and any such regulations may provide for the charging on the land of any expenses recoverable by a local authority under this section.

PART III.
—*cont.*
Agreements
regulating
development
or use of land.

25.—(1) A local planning authority may, with the approval of the Minister, enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement, and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.

(2) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

(3) Nothing in this section or in any agreement made thereunder shall be construed as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan or in accordance with any directions which may have been given by the Minister under section thirty-six of this Act, or as requiring the exercise of any such powers otherwise than as aforesaid.

(4) The power of a local planning authority to make agreements under this section may be exercised also—

- (a) in relation to land in a county district, by the council of that district;
- (b) in relation to land in the area of a joint planning board, by the council of the county or county borough in which the land is situated,

and references in this section to a local planning authority shall be construed accordingly.

Additional powers of control.

Powers
relating to
authorised
uses.

26.—(1) Without prejudice to the provisions of this Part of this Act with respect to the service of enforcement notices, if it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations—

- (a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof; or
- (b) that any buildings or works should be altered or removed,

they may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be :

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to that person, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) Where an order under this section has been confirmed by the Minister, a copy of the order shall be served by the local planning authority on the owner and occupier of the land to which the order relates.

(4) Where, by virtue of an order made under this section, the use of any land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land for that purpose or, as the case may be, uses the land for that purpose in contravention of those conditions, or causes or permits the land to be so used, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(5) If within the period prescribed in that behalf by an order under this section any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the local planning authority may, and shall if so required by directions of the Minister, enter on the land and take those steps and section two hundred and seventy-six of the Public Health Act, 1936 (which empowers local authorities to sell materials removed in executing works under that Act, subject to accounting for the proceeds of sale) shall apply in relation to any works executed

PART III.
—cont.

PART III.
—cont.

by a local planning authority under this section as it applies in relation to works executed by a local authority under that Act.

(6) An order under this section may grant permission for any development of the land to which the order relates subject to such conditions as may be specified in the order; and the provisions of this Part of this Act shall apply in relation to any permission so granted as they apply in relation to permission granted by the local planning authority on an application in that behalf made thereunder.

(7) Where the requirements of any order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

Provisions
supplementary
to s. 26.

27.—(1) Where an order is made under the last foregoing section requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person has suffered damage in consequence of the order by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage; and any compensation payable under this subsection in respect of the depreciation in the value of an interest in the land shall be assessed in accordance with the provisions of the Fourth Schedule to this Act.

(2) Without prejudice to the foregoing provisions of this section and subject to the provisions of paragraph 4 of the Fourth Schedule to this Act, any person who carries out any works in compliance with an order under the last foregoing section shall be entitled, on a claim made as aforesaid, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.

(3) If any person entitled to an interest in land in respect of which an order is made under the last foregoing section claims that by reason of the order the land is incapable of reasonably beneficial use in its existing state and that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which permission has been granted under this Part of this Act, whether by that order

or otherwise, he may serve a purchase notice in respect of his interest in accordance with the provisions of subsection (1) of section nineteen of this Act; and in relation to a purchase notice so served the provisions of the said section nineteen shall apply as they apply in relation to a notice served under subsection (1) of that section, subject to the following modifications:—

PART III.
—*cont.*

(a) in subsection (2), for the words “the conditions specified in paragraphs (a) to (c) of the foregoing subsection” there shall be substituted the words “the conditions specified in subsection (3) of section twenty-seven of this Act”;

(b) for paragraph (a) of the proviso to the said subsection (2) there shall be substituted the following paragraph:—

“(a) if it appears to the Minister to be expedient so to do he may, in lieu of confirming the purchase notice, revoke the order under section twenty-six of this Act or, as the case may be, amend that order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order.”

(4) Where a purchase notice in respect of any interest in land is served under the said section nineteen in consequence of an order made in relation to the land under the last foregoing section, then if that interest is purchased in accordance with the said section nineteen, or if compensation is payable in respect thereof under subsection (3) of section twenty of this Act, no compensation shall be payable under this section in respect of that order.

(5) Except as provided by this section, no purchase notice shall be served under the said section nineteen in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of an order made under the last foregoing section.

28.—(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order (in this Act referred to as a “tree preservation order”) with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—

Orders for
preservation
of trees and
woodlands.

(a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees

PART III.
—cont.

except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;

- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
- (c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;
- (d) for the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

10 & 11 Geo. 6.
c. 21.

(2) A tree preservation order shall not be made in relation to any land in respect of which a Forestry Dedication Covenant is in force under the Forestry Act, 1947, or in respect of which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947.

(3) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.

(4) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

- (a) that notice shall be given to the owners and occupiers of land affected by any such order of the submission to the Minister of the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
- (c) that copies of the order when confirmed by the Minister shall be served on the owners and occupiers of the land to which it relates:

Provided that where it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(5) Without prejudice to any other exemption for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(6) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

29.—(1) If it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their area, they may for that purpose make an order (in this Act referred to as a "building preservation order") restricting the demolition, alteration or extension of the building:

Orders for
preservation
of buildings
of special
architectural
or historic
interest.

Provided that no such order shall be made in relation to a building being—

- (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes;
- (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or
- (c) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment as aforesaid;

and no such order shall be made so as to affect the powers of the Minister of Works under any such enactment as aforesaid.

(2) Provision may be made by a building preservation order—

- (a) for requiring the consent of the local planning authority to be obtained for the execution of works

PART III.
—*cont.*

of any description specified in the order, and for applying, in relation to such consent and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;

- (b) for enabling that authority, where any such works have been executed in contravention of the order, to require the restoration of the building to its former state, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the order;
- (c) for the payment by that authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or the grant of any such consent subject to conditions.

(3) A building preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient:

Provided that no such order shall be made by the local planning authority, or confirmed by the Minister, unless he or they is or are satisfied that the execution of the works specified in the order would seriously affect the character of the building.

(4) Provision may be made by regulations under this Act with respect to the form of building preservation orders and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

- (a) that notice shall be given to the owner and any occupier of the building affected by any such order of the submission to the Minister of the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
- (c) that a copy of the order when confirmed by the Minister shall be served on the owner and any occupier of the building to which it relates:

Provided that where it appears to the Minister that any such order should take effect immediately, he may confirm

the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(5) Without prejudice to any provisions included in the building preservation order by virtue of paragraph (b) of subsection (2) of this section, if any person, being the owner of a building in relation to which a building preservation order is in force or a person upon whom notice of such an order has been served by the authority by whom the order was made, executes or causes or permits to be executed any works in contravention of the order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(6) Nothing in this section or in any order made thereunder shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given as soon as may be after the necessity for the works arises to the authority by whom the order was made.

(7) Works specified by the Minister as being required for properly maintaining a building in relation to which a building preservation order is in force and which is settled land within the meaning of the Settled Land Act, 1925, shall be added to the classes of works specified in Part II of the Third Schedule to that Act (which specifies improvements in or towards payment of which capital money may be applied, without any scheme being first submitted to the trustees of the settlement or the court, subject to provisions under which repayment of capital money applied may be required to be made out of income). 15 & 16 Geo. 5.
c. 18.

(8) The powers conferred on a local planning authority by this section to make a building preservation order may be exercised also by the council of the county district in which the building to which the order relates is situated; and references in this Act to local planning authorities shall, in relation to the said powers, be construed as including references to the council of a county district.

30.—(1) With a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Minister shall compile lists of such buildings, or Lists of
buildings
of special
architectural
or historic
interest.

PART III.
—*cont.*

approve, either with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.

(2) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to any county borough or county district, or of so much of the amendments as relate thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the council of that borough or district and also, where that council is not the local planning authority, with the clerk of the local planning authority.

15 & 16 Geo. 5.
c. 22.

(3) Any such copy as aforesaid shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.

(4) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building stating that the building has been included in, or excluded from, the list, as the case may be.

(5) Before compiling or approving, either with or without modifications, any list under this section, or amending any list thereunder, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of or interest in buildings of architectural and historic interest.

(6) So long as any building (not being a building to which an order under the last foregoing section applies or a building of any description specified in the proviso to subsection (1) of that section) is included in any list compiled or approved under this section, no person shall execute, or cause or permit to be executed, any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority:

Provided that nothing in this subsection shall render unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice is given as aforesaid as soon as may be after the necessity for the works arises.

(7) Where a local planning authority receive notice of any proposed works under the last foregoing subsection, they shall as soon as may be send a copy of the notice to the Minister and, except where the authority is the council of a county borough, to the council of the county district in which the building to which the notice relates is situated, and in either case to such other persons or bodies of persons as may be specified by directions of the Minister either generally or as respects the building in question.

(8) If any works are carried out in contravention of the provisions of subsection (6) of this section, the local planning authority may serve on the owner and occupier of the building a notice requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period as may be so specified; and in relation to any notice served under this subsection, the provisions of subsections (3) to (5) of section twenty-three of this Act and of section twenty-four of this Act shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply as those provisions apply in relation to an enforcement notice served under the said section twenty-three.

(9) Without prejudice to the provisions of the last foregoing subsection, if any person contravenes the provisions of subsection (6) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

31.—(1) Subject to the provisions of this section, provision shall be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety, and without prejudice to the generality of the foregoing provision, any such regulations may provide—

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land;
- (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
- (c) for applying, in relation to any such consent and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land and to applications for such permission, subject to such adaptations and modifications as may be specified in the regulations;

ART III
—cont.

- (d) for enabling the local planning authority to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the regulations, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations;
- (e) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.
- (2) Without prejudice to the generality of the powers conferred by paragraph (c) of the foregoing subsection, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority on an application for their consent under the regulations shall lie to an independent tribunal constituted in accordance with the regulations instead of to the Minister.
- (3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control (being either rural areas or areas other than rural areas which appear to the Minister to require special protection on grounds of amenity); and without prejudice to the generality of the foregoing provision may prohibit the display in any such area of all advertisements except advertisements of such classes (if any) as may be specified in the regulations.
- (4) Areas of special control for the purposes of regulations under this section may be defined either by reference to provisions included in that behalf in development plans or by means of orders made or approved by the Minister in accordance with the provisions of the regulations:
- Provided that where the Minister is authorised by the regulations to make or approve any such order as aforesaid, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made or approved.
- (5) Subject as hereinafter provided, regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations

come into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date:

PART III.
—cont.

Provided that any such regulations shall provide for exempting therefrom—

- (a) the continued display of any such advertisement as aforesaid; and
- (b) the continued use for the display of advertisements of any such site as aforesaid,

during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

32.—(1) Where the display of advertisements in accordance with regulations made under the last foregoing section involves the development of land within the meaning of this Act, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the foregoing provisions of this Part of this Act. Provisions supplementary to s. 31.

(2) Where for the purpose of complying with any such regulations as aforesaid works are carried out by any person for the removal of advertisements being displayed on the date on which the regulations come into force or the discontinuance of the use for the display of advertisements of any site used for that purpose on that date, that person shall be entitled, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, to recover from that authority compensation in respect of any expenses reasonably incurred by him in that behalf:

Provided that no compensation shall be payable under this subsection in respect of the removal of any advertisement which was not being displayed on the seventh day of January, nineteen hundred and forty-seven.

(3) Without prejudice to any provisions included in regulations made under the last foregoing section by virtue of paragraph (d) of subsection (1) of that section, if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed by the regulations, not exceeding fifty pounds and in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction.

(4) For the purposes of the last foregoing subsection and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on land of which he is the owner or occupier; or

PART III.
—*cont.*

- (b) the advertisement gives publicity to his goods, trade, business or other concerns:

Provided that a person shall not be guilty of an offence under the said subsection by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Power to
require proper
maintenance
of waste land,
etc.

33.—(1) If it appears to a local planning authority that the amenity of any part of the area of that authority, or of any adjoining area, is seriously injured by the condition of any garden, vacant site or other open land in their area, then, subject to any directions given by the Minister, the authority may serve on the owner and occupier of the land, in the manner prescribed by regulations under this Act, a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

(2) In relation to any notice served under this section, the provisions of subsections (3) to (5) of section twenty-three of this Act, and of section twenty-four of this Act shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply as those provisions apply in relation to an enforcement notice served under the said section twenty-three.

Supplemental.

Delegation of
functions to
councils of
county
districts, etc.

34.—(1) The Minister may, after consultation with such local authorities or associations of local authorities as he considers appropriate, make regulations for authorising or requiring local planning authorities to delegate to the councils of county districts in their areas, with or without restrictions, any of their functions under this Part of this Act, and such regulations may be made so as to apply generally to all local planning authorities (other than the councils of county boroughs) or to such of those authorities as may be specified in the regulations.

(2) In relation to a local planning authority being a joint planning board, the foregoing provisions of this section shall have effect as if the reference therein to the councils of county districts in their area included a reference to the councils of counties and county boroughs therein.

(3) Any regulations made for the purposes of this section may make provision—

- (a) for requiring any council to whom functions are delegated in accordance with the regulations to perform those functions on behalf of the local planning authority;

- (b) for transferring to any such council any liability of the local planning authority to pay compensation under this Part of this Act in respect of anything done by that council in the exercise of functions delegated to them in accordance with the regulations;
- (c) for the transfer and compensation of any officers of a local planning authority or of any such council as aforesaid.

PART III.
—cont.

35.—(1) Where the authorisation of a government department is required by virtue of any enactment in respect of development to be carried out by any local authority or by any statutory undertakers not being a local authority, that department may, upon granting that authorisation, direct that permission for that development shall be deemed to be granted under this Part of this Act, subject to such conditions, if any, as may be specified in the directions; and the provisions of this Part of this Act shall apply in relation to any permission deemed to be granted by virtue of such directions as if it had been granted by the Minister on an application referred to him under section fifteen of this Act.

Application to
local
authorities and
statutory
undertakers.

(2) Without prejudice to the provisions of the foregoing subsection, the provisions set out in the Fifth Schedule to this Act (being provisions re-enacting with additions and modifications sections thirty-five and thirty-six of the Act of 1944) shall have effect for the purposes of the application of this Part of this Act to land of statutory undertakers being operational land as defined by this Act, and to the development of such land by such undertakers:

Provided that the provisions of the said Schedule shall not apply in relation to the display of advertisements on operational land.

(3) In relation to land of local planning authorities, and to the development by local authorities of land in respect of which they are the local planning authority, the provisions of this Part of this Act (including, in the case of a local planning authority who carry on a statutory undertaking, the last foregoing subsection and the Fifth Schedule to this Act) shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act, and in particular such regulations may (subject to the provisions of subsection (1) of this section) provide for securing—

- (a) that any application by such an authority for permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Minister instead of to the local planning authority;

PART III.
—cont.

- (b) that any notice or order authorised to be served or made under this Part of this Act in relation to such land shall be served or made by the Minister instead of by that authority.

(4) For the purposes of this section and of the Fifth Schedule to this Act development by a local authority or by statutory undertakers shall be deemed to be authorised by a government department if—

- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of any enactment;
- (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;
- (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;
- (d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with any enactment authorising the payment of such grants,

and references in this section and in the said Fifth Schedule to the authorisation of a government department shall be construed accordingly.

(5) The references in subsection (3) of this section to local planning authorities shall be construed as including references to any council to whom functions of a local planning authority are delegated in pursuance of regulations made under the last foregoing section.

Temporary provisions pending approval of plans.

36. Where, under the foregoing provisions of this Part of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period before such a plan has become operative with respect to the area of that authority, that authority shall have regard to any directions which may be given to them by the Minister as to the provisions to be included in such a plan, and subject to any such directions shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of the said area.

PART IV.

ACQUISITION OF LAND, ETC.

Acquisition and disposal of land for planning purposes.

37.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition by any Minister, local authority or statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.

Compulsory acquisition of land by Ministers, local authorities and statutory undertakers.

(2) If, during the period before a development plan has become operative under this Act with respect to any area—

(a) the Minister and the Minister of Works are satisfied that the acquisition of any land in that area is necessary for the public service or otherwise for the purposes of any of the functions of the Minister of Works; or

(b) the Minister and the Postmaster-General are satisfied that the acquisition of any such land is necessary for the purposes of the Post Office,

the Minister of Works or the Postmaster-General, as the case may be, may be authorised to purchase that land compulsorily in accordance with the provisions of this section.

(3) The compulsory acquisition of land under this section may be authorised—

(a) in the case of land designated by a development plan as subject to acquisition by a Minister, by that Minister;

(b) in the case of land so designated as subject to acquisition by a local authority, by the Minister concerned with the functions in question;

(c) in the case of land so designated as subject to acquisition by any statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers;

(d) in the case of any such land as is mentioned in subsection (2) of this section, by the Minister of Works or the Postmaster-General, as the case may be.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

(a) as if this section had been in force immediately before the commencement of that Act;

(b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers; and

PART IV.
—cont.

(c) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to any Minister and to the provisions of this section.

(5) Any expenses incurred by the Minister of Transport in the acquisition of land under this section for the purpose of the construction or improvement of a road shall be defrayed out of the road fund.

Compulsory
acquisition
of land for
development.

38.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition by the appropriate local authority, then if the Minister is satisfied—

(a) in the case of land comprised in an area defined by the plan as an area of comprehensive development, or of land contiguous or adjacent to any such area, that the land is required in order to secure the development or redevelopment of the said area or that it is expedient in the public interest that the land should be held together with land so required;

(b) in any other case, that it is necessary that the land should be acquired under this section for the purpose of securing its use in the manner proposed by the plan,

he may authorise the council of the county borough or county district in which the land is situated, to acquire the land compulsorily in accordance with the provisions of this section.

(2) If during the period before a development plan has become operative under this Act with respect to any area, the Minister is satisfied that the acquisition of any land under this section is expedient—

(a) for any purpose which appears to him to be immediately necessary in the interests of the proper planning of that area (not being a purpose for which a local authority could be authorised to acquire the land compulsorily under any other enactment);

(b) for any other purpose for which, by virtue of paragraph (c) or (d) of subsection (1) of section ten of the Act of 1944, a local planning authority could be authorised to acquire land before the appointed day,

he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.

(3) Where, under the foregoing provisions of this section, the Minister has power to authorise the council of a county borough or county district to acquire any land compulsorily,

he may, if after consultation with that council and, in the case of land in a county, with the council of that county, he thinks it expedient so to do, authorise the land to be so acquired by any other local authority instead of by that council.

PART IV.
—cont.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

39.—(1) If the Minister is satisfied, in the case of a compulsory purchase order submitted to him under the last foregoing section by a local authority, that it is urgently necessary in the public interest to empower that authority to enter on the whole or any part of the land to which the order relates and secure its vesting in them before the expiration of the time which would be required for the service of notices to treat, he may include in the order as confirmed by him a direction that the provisions of the Sixth Schedule to the Act of 1944 shall apply to the order so far as it relates to that land:

Power to expedite completion of purchase under s. 38.

Provided that no such direction shall be so included in a compulsory purchase order unless application in that behalf is included in the order as submitted to the Minister.

(2) A compulsory purchase order which contains any such direction as aforesaid shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of each county borough or county district in which the land to which the direction relates or any part thereof is situated; and it shall be the duty of the local authority, as soon as may be after the order has become operative, to notify that fact to the proper officer of the authority by whom it is required to be registered as aforesaid, and to furnish him with all information relating to the order which is required for the purpose.

(3) Where a compulsory purchase order containing any such direction as aforesaid is made in respect of any interest in land which has sustained war damage, then if any of that damage has not been made good at the date on which notice to treat is deemed to have been served, the local authority shall, when they notify the fact that the order has become

PART IV. operative to the proper officer under the last foregoing sub-
—cont. section, notify the War Damage Commission of that action having been taken.

(4) Any reference in the Sixth Schedule to the Act of 1944 to a purchase order providing for expedited completion, or to the purchasing authority, shall be construed as a reference to a compulsory purchase order containing any such direction as aforesaid, and to the local authority authorised to acquire land by that order, as the case may be.

8 & 9 Vict.
c. 18.

(5) Paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which provides for entry on land before the purchase money has been paid, notwithstanding the provisions of sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845) and paragraph 4 of that Schedule (which makes special provision, in substitution for section ninety-two of the said Lands Clauses Consolidation Act, 1845, with respect to the sale of parts of houses and other premises) shall not apply to a compulsory purchase order containing any such direction as aforesaid.

Acquisition of
land by agree-
ment for
development.

40.—(1) The council of any county, county borough or county district may, with the consent of the Minister, acquire by agreement any land (whether or not being land designated by a development plan as subject to compulsory acquisition) which they require for any purpose for which a local authority may be authorised to acquire land compulsorily under section thirty-eight of this Act.

(2) The Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the council authorised to acquire the land under this section.

Power to
acquire
buildings
of special
architectural
or historic
interest.

41.—(1) Where a building preservation order is in force as respects any building and it appears to the Minister that reasonable steps are not being taken for properly preserving the building, the Minister may authorise the council of the county or county borough or county district in which the building is situated to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for preserving the building or its amenities, or for affording access thereto, or for the proper control or management thereof.

(2) Where a building preservation order is in force as respects any building and it appears to the Minister of Works that reasonable steps are not being taken for properly preserving the building, that Minister may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required as mentioned in the foregoing subsection.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act;
- (b) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to the Minister of Works and to the provisions of this section:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

(4) Any person having an interest in any building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required to be served under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, apply to a court of summary jurisdiction for the petty sessional division or place within which the building to which the notice relates is situated for an order staying further proceedings on the compulsory purchase order, and if the court is satisfied that reasonable steps are being taken for properly preserving the building, they shall make an order accordingly.

Any person aggrieved by the decision of a court of summary jurisdiction under this subsection may appeal against that decision to a court of quarter sessions.

(5) Where any building is acquired under the provisions of subsection (1) of this section, the council of the county or county borough or county district, by whom the building is acquired shall observe the provisions of the building preservation order relating to that building.

(6) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land by agreement thereunder shall include power to acquire by agreement any building as respects which a building preservation order has been or could be made by the local planning authority, and

PART IV. any land comprising or contiguous or adjacent to it which
—cont. appears to the Minister to be required for the purposes specified in subsection (1) of this section.

Power of local
 authorities
 to appropriate
 certain land
 for planning
 purposes.

1 & 2 Geo. 6.
 c. xciii.

42.—(1) Any local authority may be authorised, by order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan (being a purpose for which that authority can be authorised to acquire land under any enactment) any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land being Green Belt land as defined in the Green Belt (London and Home Counties) Act, 1938.

(2) Paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.

(3) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land (whether compulsorily or by agreement) thereunder shall include power to acquire land required for giving in exchange for land appropriated under this section, or for Green Belt land appropriated, in accordance with the Green Belt (London and Home Counties) Act, 1938, for any purpose specified in a development plan.

23 & 24 Geo. 5.
 c. 51.

(4) Section one hundred and sixty-three of the Local Government Act, 1933 (which contains general provisions as to the appropriation by local authorities of land belonging to them) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.

(5) Where any land appropriated under this section was acquired under any enactment incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment under which the land was acquired.

(6) On the appropriation of land under this section there shall be made in the accounts of the local authority such adjustments as the Minister of Health may direct.

43.—(1) The Central Land Board may, with the approval of the Minister, by agreement acquire land for any purpose connected with the performance of their functions under the following provisions of this Act, and in particular may so acquire any land for the purpose of disposing of it for development for which permission has been granted under Part III of this Act on terms inclusive of any development charge payable under those provisions in respect of that development.

PART IV.

—cont.

Acquisition of
land by
Central Land
Board.

(2) If the Minister is satisfied that it is expedient in the public interest that the Board should acquire any land for any such purpose as aforesaid, and that the Board are unable to acquire the land by agreement on reasonable terms, he may authorise the Board to acquire the land compulsorily in accordance with the provisions of this section.

(3) Subsection (4) of section thirty-eight and section thirty-nine of this Act shall apply to the compulsory acquisition of land by the Central Land Board under this section as they apply to the compulsory acquisition of land by local authorities under the said section thirty-eight; and for the purposes of this section the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect as if any reference therein to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to the Board.

(4) Any land acquired by the Central Land Board under the provisions of this section shall be disposed of by them in accordance with such directions as may be given to them in that behalf by the Minister, and until the land is so disposed of the Board may manage it in accordance with such directions:

Provided that nothing in this section shall be construed as authorising the Board to carry out any development of land acquired by them thereunder.

(5) Any expenses incurred by the Central Land Board in the acquisition of land under this section shall be paid out of moneys provided by Parliament; and any sums received by the Board in respect of the disposal of any such land shall be paid into the Exchequer.

(6) Provision may be made by regulations under this Act for requiring the Central Land Board to keep a register containing such particulars as may be prescribed by the regulations of land acquired and disposed of under this section, and for the inspection of any such register by the public on payment of such reasonable fee, if any, as may be so prescribed.

44.—(1) Sections nineteen to thirty of the Act of 1944 (which provide for the disposal and appropriation by local planning authorities of land acquired or appropriated under

Incorporation
of certain
provisions of
Act of 1944.

PART IV.
—*cont.*

Part I of that Act, for the carrying out by such authorities of development of such land, and for other matters arising in relation to the acquisition of land under that Part) shall, except so far as repealed by this Act, be incorporated with this Part of this Act, subject to the amendments specified in the second column of the Eighth Schedule to this Act and to the following provisions of this section.

(2) Subsection (3) of section twenty of the Act of 1944 (which provides that in certain cases the Minister shall not give his consent to the carrying out of any operation by the local planning authority under that section if a person other than that authority is able and willing to carry out the operation) shall cease to have effect.

(3) Section fifteen of the Act of 1944 (which relates to the purchase of licensed premises) shall apply in relation to premises comprised in land acquired under this Part of this Act, not being land in a licensing planning area within the meaning of the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946, and the said section shall accordingly have effect subject to the amendments specified in relation thereto in the second column of the Eighth Schedule to this Act.

(4) Paragraph 9 of the Fifth Schedule to the Act of 1944 (which provides for the assessment at site values of compensation in respect of the compulsory acquisition of certain dwellinghouses unfit for human habitation) shall apply in relation to land compulsorily acquired under this Part of this Act and accordingly shall have effect subject to the amendments specified in relation thereto in the second column of the Eighth Schedule to this Act.

Amendment of
9 & 10 Geo. 6.
c. 49 in
relation to
acquisition of
land under
Part IV.

45.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition for any purpose, then if a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or, as the case may be, is made in draft by a Minister in accordance with Part II of that Schedule, the confirming authority or that Minister, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Minister, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) Where a compulsory purchase order authorising the acquisition of any land under section thirty-eight of this Act is submitted to the Minister in accordance with Part I of the said First Schedule, then if the Minister is satisfied that the order ought to be confirmed so far as it relates to part of the

land comprised therein, but has not for the time being determined whether or not it ought to be confirmed so far as it relates to any other such land, he may confirm the order so far as it relates to the first-mentioned land and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions until such time as may be so specified; and in any such case the notices required by paragraph 6 of the said First Schedule to be published and served shall include a statement of the effect of the directions.

PART IV.
—*cont.*

(3) Paragraph 9 of the said First Schedule (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust) shall not apply to land which is designated by a development plan under this Act as subject to compulsory acquisition.

(4) Notwithstanding anything in paragraph 10 of the said First Schedule, a compulsory purchase order may be confirmed or made under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking (whether or not the land is designated as mentioned in the last foregoing subsection) without any such certificate as is mentioned in the said paragraph 10:

Provided that except where such a certificate is given as aforesaid, or the land is designated as mentioned in the last foregoing subsection,—

- (a) the order shall be of no effect unless it is confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would apart from this provision have power to make or confirm it; and
- (b) if any objection to the order is duly made by the statutory undertakers and is not withdrawn, the order shall be subject to special parliamentary procedure.

(5) Where any such land as is mentioned in the last foregoing subsection is compulsorily acquired without any such certificate as is therein referred to, any compensation payable to the statutory undertakers in respect of the purchase shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1944.

(6) Regulations made under this Act, may provide for securing that any proceedings required by the said First Schedule to be taken for the purposes of the compulsory acquisition of any land under this Act may be taken concurrently with any proceedings required by or under this Act to be taken in connection with the approval, making or amendment of a development plan designating that land as subject to compulsory acquisition.

PART IV.
—*cont.*

(7) In construing the Lands Clauses Acts as incorporated, by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, with Part IV of this Act—

- (a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section twenty-two of the Act of 1944 (as incorporated with this Part of this Act by virtue of section forty-four of this Act), and in relation to any such erection, construction or carrying out, the reference in section sixty-eight of the Lands Clauses Consolidation Act, 1845, to the promoters of the undertaking shall, notwithstanding anything in subparagraph (b) of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out;
- (b) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister, or by or on behalf of statutory undertakers, on land acquired by that Minister or those undertakers, for the purposes for which the land was acquired.

Acquisition of
land by
development
corporations
under New
Towns Act,
1946.

46.—(1) For the removal of doubt it is hereby declared that the powers of acquiring land conferred by the New Towns Act, 1946 on a development corporation established for the purposes of a new town include power to acquire any land within the area designated under that Act as the site of the new town whether or not it is proposed to develop or re-develop that particular land.

(2) Section five of the said Act (which regulates the disposal of land by development corporations) shall have effect as if in subsection (1), after the words " this Act " in the second place where those words occur, there were inserted the words " or for purposes connected therewith ".

Powers relating to highways.

Construction
of highways
on land
acquired under
Part IV.
9 Edw. 7.
c. 47.

47.—(1) Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction

of a new road by a local highway authority on land defined by a development plan as the site of a proposed road or on any other land acquired by or transferred to them under this Part of this Act as if the road were a road in respect of the construction of which an advance were made to that authority under that section.

PART IV.
—cont.

(2) Without prejudice to the provisions of subsection (5) of section nineteen of the Restriction of Ribbon Development Act, 1935, and of subsection (8) of section six of the Trunk Roads Act, 1936 (which provide for contributions by local authorities towards expenses incurred by local highway authorities and by the Minister of Transport under those Acts) any local authority may contribute towards any expenses incurred by a local highway authority or by the Minister of Transport in the acquisition of land under this Part of this Act or in the construction or improvement of roads on land so acquired or in connection with any development required in the interests of the proper planning of the area of the local authority. 25 & 26 Geo. 5. c. 47.

48.—(1) The provisions of this section shall apply in relation to any land defined by a development plan as the site of a proposed road, or as land required for the widening of any existing road which is of less than byelaw width, being land which is designated by the plan as land to which this section applies. Construction and improvement of private streets.

(2) Where any land is so defined and designated as aforesaid, the appropriate council as defined by this section may at any time by order declare the land (together with any land forming part of any such existing road as aforesaid) to be a private street, and thereupon the land shall be deemed to have been dedicated to the public and to be a private street:

Provided that no such order shall be made by the council in relation to land which has not been acquired by them at the date of the order (other than land forming part of any such existing road as aforesaid) except with the consent of all persons interested in the land.

(3) In relation to land which is deemed to be a private street by virtue of a declaration under the last foregoing subsection, the provisions of the Private Street Works Act, 1892, 55 & 56 Vict. c. 57. or, in the case of land in a district in which that Act is not in force, the provisions of sections one hundred and fifty and one hundred and fifty-one of the Public Health Act, 1875 38 & 39 Vict. c. 55. (including any provisions of that Act which relate to the said sections one hundred and fifty and one hundred and fifty-one) shall apply, subject to such exceptions, adaptations and modifications as may be prescribed by regulations made under this Act, as if the land were a street to which those provisions respectively apply.

~~Part IV.~~

(4) Regulations made for the purposes of the last foregoing subsection shall make provision for securing—

- (a) that the amount of the expenses incurred in the execution of street works charged under the provisions referred to in that subsection on the owners of adjoining land shall not exceed the amount which would, at the date of the commencement of the works, have been the cost of the execution of street works in the course of the construction, widening or improvement if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the district, and, as respects matters for which no such provision is made, so as to comply with such requirements as would have been imposed by the highway authority at the date of the commencement of the works as a condition of declaring the street to be a highway repairable by the inhabitants at large;
- (b) that as soon as the street has been made up or widened by or to the satisfaction of the appropriate council it shall become a highway repairable by the inhabitants at large;
- (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings;
- (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street.

(5) Regulations made for the purposes of subsection (3) of this section may provide—

- (a) for the inclusion in the expenses recoverable as aforesaid in respect of street works carried out by the appropriate council of any expenses incurred by a local authority, after the date on which the land is defined and designated as mentioned in subsection (1) of this section, and before it is declared to be a private street under subsection (2) of this section, in the construction of sewers in or under the land; and
- (b) for authorising the appropriate council to enter on any land adjoining the street for the purpose of executing street works on land comprised in the street.

(6) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say—

PART IV.
—*cont.*

“ appropriate council ”, in relation to any land, means the council of the county borough or county district in which the land is situated or, in the case of land in a rural district, or land in any other county district which is defined by a development plan as the site of a road which is to become a county road, or as land required for the widening of such a road, the council of the county in which the land is situated;

“ byelaw width ” in relation to a road, means the width required by any byelaws, regulations or enactments regulating the construction of streets in the area in which the road is situated;

“ construction ” and “ improvement ”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;

“ street works ” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting therefor.

(7) References in this section to sections one hundred and fifty and one hundred and fifty-one of the Public Health Act, 1875, shall be construed as including references to those sections as amended by any local Act, and to any local Act making provision corresponding with the provisions of those sections or of the Private Street Works Act, 1892; and the power of the Minister to make regulations under this section shall include power to make special regulations with respect to any district in which such a local Act is in force.

49.—(1) Without prejudice to the provisions of section twenty-three of the Act of 1944, as incorporated with this Act, or section three of the Acquisition of Land (Authorisation Procedure) Act, 1946, the Minister of Transport may, if he is satisfied that it is necessary so to do in order to enable development to be carried out in accordance with planning permission granted under Part III of this Act or to be carried out by a government department, by order made in accordance with the provisions of the Sixth Schedule to this Act authorise the stopping up or diversion of any highway. Power to stop up and divert highways, etc.

(2) Any order made under the foregoing subsection may make such provision as appears to the Minister of Transport to be necessary or expedient for the provision or improvement of any other highway, and may direct—

PART V.

AMENDMENTS OF LAW RELATING TO COMPENSATION ON
COMPULSORY ACQUISITION OF LAND.

Abolition of
the 1939
standard for
compensation
on compulsory
acquisition.

50.—(1) Section fifty-seven of the Act of 1944 (which provides for the assessment by reference to the prices current in 1939 of the value of interests in land which are compulsorily acquired) shall not apply to compensation in respect of a compulsory acquisition of land in pursuance of a notice to treat served after the passing of this Act.

(2) The provisions of the Seventh Schedule to this Act shall have effect and shall be deemed always to have had effect in relation to land compulsorily acquired in pursuance of a notice to treat served after the commencement of the Act of 1944 and before the passing of this Act, and in relation to land acquired by agreement during that period by an authority authorised to acquire it compulsorily.

Compensation
for compulsory
acquisition
after
appointed day.

51.—(1) Any compensation payable in respect of the compulsory acquisition of an interest in land by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, in pursuance of a notice to treat served on or after the appointed day (not being compensation which falls to be assessed in accordance with Rule (5) of the rules set out in section two of that Act) shall be assessed in accordance with the provisions of that Act as modified by the provisions of this and the three next following sections.

(2) The value of any such interest shall be ascertained on the assumption that planning permission would be granted under Part III of this Act for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development:

Provided that

- (a) where at any time before the date of the notice to treat permission for development of the land of any class specified in Part II of the said Third Schedule has been refused or granted subject to conditions, or, having been granted, has been revoked or modified by the imposition of conditions, and compensation has become payable in respect of the refusal, revocation, or conditions, as the case may be, under section twenty of this Act, it shall be assumed for the purposes of the ascertainment of the value of the interest in question that such permission would not be granted, or, as the case may be, would not be granted otherwise than subject to those conditions;

PART V.
—*cont.*

(b) where at any time before the said date an order has been made under section twenty-six of this Act requiring the removal of any building or the discontinuance of any use, and compensation has become payable in respect of that order under section twenty-seven of this Act, it shall be assumed for the purposes aforesaid that planning permission would not be granted for the rebuilding of that building or the resumption of that use.

(3) Without prejudice to any rule of law affecting the assessment of compensation in respect of the compulsory acquisition of land in pursuance of any enactment, no account shall be taken, in calculating the value of an interest in land designated by a development plan under this Act as subject to compulsory acquisition, of any depreciation in the value of that interest which is attributable to the designation.

(4) Where, at any time before the date of the notice to treat, planning permission has been granted under Part III of this Act for any development of the land, other than development of any class specified in the Third Schedule to this Act, or is deemed to have been so granted, then except where either—

(a) any sum has been paid under Part VII of this Act by way of development charge in respect of that development; or

(b) no such charge is payable in respect of that development by virtue of any of the provisions of Part VIII of this Act;

the value of the interest to which the notice to treat relates shall be calculated as if that permission had not been granted.

(5) Where the interest is acquired in pursuance of a purchase notice served under section nineteen of this Act, and it is certified by the Minister, on confirming the notice, that any building comprised in the land has become incapable of reasonably beneficial use, then if the purchase notice was served in consequence of the refusal of permission for development which would have involved the demolition of the whole or substantially the whole of the building, or in consequence of the revocation or modification of such permission, no account shall be taken for the purposes of this section of the value of the building except in so far as the value of any materials therein would exceed the cost of demolition.

(6) Where the interest is acquired in pursuance of a purchase notice served under the said section nineteen and directions have been given under paragraph (b) of subsection (2) of that section requiring that planning permission shall be granted for

PART V.
—*cont.*

any development of other land to which the purchase notice relates, no account shall be taken for the purposes of this section of any increase or diminution in the value of the said interest which is attributable to the direction or to any permission granted in pursuance thereof.

Temporary provisions for eliminating special value attributable to vacant possession.

52.—(1) Where the notice to treat giving rise to the claim for compensation is served at any time before the first day of January, nineteen hundred and fifty-four, and the interest in land in respect of which the compensation is payable carries the right to vacant possession of the land or any part thereof, or the right to obtain such possession at any time before that date, then, unless the land is agricultural property within the meaning of this section, the value of that interest shall be calculated as if there were derived therefrom a lease of the land, or of that part thereof, as the case may be, for the term, subject to the conditions and at the rent specified in this section.

(2) The term of any such lease as aforesaid shall be deemed to be a term beginning on the date of the notice to treat and ending on the first day of January, nineteen hundred and fifty-four:

Provided that—

- (a) where the interest in question is subject to an actual lease on the date of the service of the notice to treat, the said term shall be deemed to begin on the first date thereafter on which the owner of the said interest would be lawfully entitled to obtain vacant possession of the land; and
- (b) where the interest in question is a leasehold interest which is limited to expire at any time before the first day of January, nineteen hundred and fifty-four, the said term shall be deemed to end on the day before the expiration of that interest.

(3) The conditions of any such lease as aforesaid shall be deemed to be conditions by virtue of which the tenant would be liable to pay all usual tenant's rates and taxes and to bear the cost of repairs and insurance and other expenses, if any, necessary to maintain the land in the state in which it was on the date of the notice to treat; and the rent payable thereunder shall be deemed to be a sum equal to five per cent. of the capital value of the premises, or a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the premises, under a lease for the term and subject to the conditions aforesaid, whichever is the less.

(4) In this section the expression " agricultural property " means agricultural land or agricultural buildings as defined by the Rating and Valuation (Apportionment) Act, 1928, and

includes a house used as a dwellinghouse by a person who is primarily engaged in carrying out or directing agricultural operations on land in the neighbourhood of the house; and for the purposes of this section the capital value of any premises shall be deemed to be the value of a freehold interest therein (free from incumbrances but subject to any easement or other restriction affecting the land on the date of the notice to treat) calculated in accordance with the provisions of any enactment other than this section which would apply to the assessment of compensation on a compulsory acquisition thereof by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) For the purposes of this section, an interest in land shall not be deemed to carry the right to obtain vacant possession of the land or any part thereof if at the time of the service of the notice to treat the land or that part thereof consists of a dwellinghouse which is subject to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, or any future enactment amending or extending those Acts, and any person other than the person entitled to that interest is for the time being in possession thereof either by virtue of a tenancy or by virtue of the provisions of the said Acts.

(6) Compensation for disturbance in respect of an interest in land the value of which is calculated in accordance with the provisions of this section shall not be assessed at any greater or less amount than that at which it would have been assessed apart from the provisions of this section.

53.—(1) Where an interest in land the value of which is to be ascertained in accordance with the provisions of section fifty-one of this Act is an interest in a hereditament or part of a hereditament which has sustained war damage, and any of that damage has not been made good at the date of the notice to treat, then if the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory purchase or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works—

Compensation for compulsory acquisition of land attracting converted value payments.
6 & 7 Geo. 6.
c. 21.

- (a) the value of the interest for the purposes of the compensation payable in respect of the compulsory purchase shall, subject to the provisions of this section, be taken to be the value which it would have if the whole of the damage had been made good before the date of the notice to treat; and
- (b) the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest which is

PART V.
—*cont.*

compulsorily acquired (including any interest payable thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is so acquired.

(2) Where, under subsection (1) of this section, the value of any interest in land comprised in a hereditament is required to be taken to be the value which that interest would have if war damage sustained by that hereditament had been made good before the date of the notice to treat, and any works, other than works for making good the war damage, have been carried out on the land since the occurrence of the war damage, then if the making good of the war damage would involve the removal of those works, the value of the said interest shall be taken to be—

- (a) the value which it would have if the war damage had been made good and those works had been removed; or
- (b) the value which it would have if the war damage had not been made good so far as the making good would have involved the removal of those works,

whichever is the higher.

(3) Where an interest in land is acquired by agreement in pursuance of a contract made after the appointed day by a person authorised by virtue of any enactment to acquire it compulsorily, being an interest in a hereditament or part of a hereditament which has sustained war damage any of which has not been made good before the date of the contract, then if the appropriate payment under the War Damage Act, 1943, would, apart from the acquisition or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act be a payment of cost of works, the right to receive any value payment or share of the value payment which, under that Act, is payable in respect of the interest so acquired (including any interest payable thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is acquired as aforesaid.

(4) Where, by virtue of paragraph (b) of subsection (1) of this section or of the last foregoing subsection, the right to receive a value payment or share of a value payment becomes vested in the person by whom an interest in land is acquired, whether compulsorily or by agreement, the amount of that payment or share (including any interest thereon) shall not exceed the sum paid by that person by way of compensation or consideration in respect of the interest so acquired.

(5) Subsection (4) of section sixty-nine of the War Damage Act, 1943 (which makes special provision with respect to payments under that Act in respect of war damage sustained

by hereditaments held for charitable purposes) shall not apply to any payment which, by virtue of this section, vests in the person by whom an interest in land is acquired.

PART V.
—cont.

54.—(1) Except as otherwise provided by this section and Part VIII of the Requisitioned Land and War Works Act, 1945, the value of any interest in requisitioned land shall be assessed in accordance with the foregoing provisions of this Part of this Act as if the land were not requisitioned land; and in particular an interest in such land shall be deemed for the purposes of section fifty-two of this Act to carry the right to vacant possession of the land or the right to obtain such possession before the first day of January, nineteen hundred and fifty-four, if it would carry that right if the land were not requisitioned land.

Compensation
for compulsory
acquisition of
requisitioned
land.
8 & 9 Geo. 6.
c. 43.

(2) Where an interest in land the value of which falls to be ascertained in accordance with the foregoing provisions of this Part of this Act is acquired compulsorily in such circumstances that Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, then—

- (a) if the land is requisitioned land and the period of requisition had begun before the appointed day, subsection (2) of section fifty-one of this Act shall have effect as if for any reference to the appointed day in the Third Schedule to this Act there were substituted a reference to the beginning of the period of requisition;
- (b) where section fifty-three of this Act applies, the provisions of that section shall have effect in substitution for the provisions of section forty-one of the Requisitioned Land and War Works Act, 1945, so far as it relates to the war damage and to any work done for the making good of the war damage:

Provided that for the purposes of subsection (2) of the said section fifty-three no account shall be taken of any such works as are mentioned in paragraph (b) of subsection (1) of the said section forty-one.

(3) Where, by virtue of paragraph (a) of the last foregoing subsection, the Third Schedule to this Act applies in relation to the assessment of compensation for the compulsory acquisition of an interest in land being requisitioned land as if the beginning of the period of requisition were substituted therein for the appointed day, then if any buildings or works have been erected or constructed on the land during the period of requisition, and either—

- (a) a payment in respect of the value of those buildings or works has been made by any person interested in the land to a Minister under Part II of the

PART V.
—cont.

Requisitioned Land and War Works Act, 1945, in pursuance of a report of the War Works Commission thereunder; or

- (b) any such payment or other consideration has been or is required to be made or given by any such person to a Minister in pursuance of an agreement between them; or
- (c) the buildings or works were otherwise erected or constructed wholly or partly at the expense of any such person,

those buildings or works shall be treated for the purposes of the said Third Schedule as having been erected or constructed immediately before the beginning of the period of requisition.

Compensation for compulsory acquisition after passing of this Act and before appointed day.

55.—(1) Subject to the provisions of this section, the foregoing provisions of this Part of this Act shall apply in relation to land compulsorily acquired in pursuance of a notice to treat served after the passing of this Act and before the appointed day as they apply in relation to land compulsorily acquired in pursuance of a notice to treat served after the appointed day; and subsections (3) and (4) of section fifty-three of this Act shall apply in relation to land acquired by agreement in pursuance of a contract made after the passing of this Act as they apply in relation to land acquired by agreement in pursuance of a contract made after the appointed day.

(2) The value of any interest in land which is compulsorily acquired as aforesaid shall be ascertained by reference to prices current immediately before the seventh day of January, nineteen hundred and forty-seven, and for that purpose the interest shall be deemed to have been subsisting immediately before that day subject to all incidents to which it is subject on the date of the notice to treat, and the land shall be deemed to have been immediately before the said seventh day of January in the same state as it is at the date of the notice to treat.

(3) Subsections (2) to (6) of section fifty-one of this Act shall not apply to any interest in land which is compulsorily acquired as aforesaid, but in calculating the value of any such interest it shall be assumed that the land was, at the time of the notice to treat, subject to a permanent restriction prohibiting the carrying out thereon of any development other than development of the classes specified in the Third Schedule to this Act; and for the purposes of this provision, section twelve of this Act and the said Third Schedule shall have effect as if for the references therein to the appointed day there were substituted references to the date of the notice to treat.

PART V.
—cont.

(4) Nothing in subsection (2) of this section shall be construed as affecting the operation of Part VIII of the Requisitioned Land and War Works Act, 1945, in any case to which that Part applies; and where any land the value of an interest in which falls to be ascertained in accordance with the provision of subsection (3) of this section is requisitioned land—

- (a) the Third Schedule to this Act, as applied for the purposes of the said subsection (3), shall have effect as if for the references therein to the appointed day there were substituted references to the beginning of the period of requisition instead of references to the date of the notice to treat; and
- (b) subsection (3) of section fifty-four of this Act shall apply as it applies in relation to the assessment of compensation in accordance with paragraph (a) of subsection (2) of that section.

56.—(1) Where an interest in land which is compulsorily acquired in pursuance of a notice to treat served after the passing of this Act is an interest in a hereditament or part of a hereditament which has sustained war damage, any of which has not been made good at the date of the notice to treat, then if—

Special provisions as to war-damaged land where compensation assessed by reference to cost of equivalent reinstatement.

- (a) the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory acquisition or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works; and
- (b) the land would, but for the occurrence of the war damage, be devoted to any such purpose as is mentioned in Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919,

the provisions of the said Rule (5) shall have effect for the purposes of the assessment of compensation payable in respect of the compulsory acquisition as if the land were so devoted as aforesaid.

(2) Where any such interest in land as is mentioned in the foregoing subsection is compulsorily acquired as therein mentioned, then if the conditions specified in paragraph (a) of that subsection are satisfied, and the compensation payable in respect of the acquisition falls (whether by virtue of that subsection or otherwise) to be assessed in accordance with the said Rule (5), the reasonable cost of equivalent reinstatement shall be ascertained for the purposes of the said Rule (5) by reference to the state of the land immediately before

PART V.
—*cont.*

the occurrence of the war damage, and the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest which is compulsorily acquired (including interest thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is so acquired.

(3) Where any such interest in land as aforesaid is acquired by agreement in pursuance of a contract made after the passing of this Act by a person authorised by virtue of any enactment to acquire it compulsorily, then if the conditions specified in paragraph (a) of subsection (1) of this section are satisfied in relation to the land, and the compensation which would be payable in respect of the acquisition, if the acquisition were compulsory, would fall (whether by virtue of the said subsection (1) or otherwise) to be assessed in accordance with the said Rule (5), the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest acquired (including interest thereon) shall vest in the person by whom the interest is so acquired.

(4) Subsection (4) of section sixty-nine of the War Damage Act, 1943 (which makes special provision with respect to payments under that Act in respect of war damage sustained by hereditaments held for charitable purposes) shall not apply to any payment which by virtue of this section vests in the person by whom an interest in land is acquired.

Amendments
of 9 & 10
Geo. 5. c. 57.
&c.

57.—(1) The Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the compulsory acquisition of land under this or any other Act by the Central Land Board or any statutory undertakers as it applies in relation to the compulsory acquisition of land by a government department or a local or public authority, and references in this Act to any such department or authority shall be construed accordingly.

(2) The rate of interest for any period after the passing of this Act on compensation which fell or falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (whether as originally enacted or as amended by any subsequent enactment including this Act), in respect of land compulsorily purchased on which entry has been made before the payment of the compensation shall, in lieu of being the rate of five per cent. specified under section eighty-five of the Lands Clauses (Consolidation) Act, 1845, be such other rate as may from time to time be prescribed by regulations made by the Treasury under this Act.

(3) Any regulations made by the Treasury under section sixty-two of the Act of 1944 which are in force at the date of the passing of this Act shall continue in force and have effect as if they had been made under this Act and shall accordingly apply to any compensation which falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by this Act.

PART V.
—cont.

PART VI.

PAYMENTS OUT OF CENTRAL FUNDS IN RESPECT OF DEPRECIATION OF LAND VALUES.

Payments for depreciation.

58.—(1) Subject to the provisions of this Part of this Act, ^{Payments} payments shall be made in accordance with a scheme to be made by the Treasury under this section, in respect of interests ^{for depreciation} in land which are depreciated in value by virtue of the provisions of this Act. ^{of land values.}

(2) The aggregate amount of the payments to be made by virtue of this section and of any corresponding provisions which may be enacted in relation to Scotland shall be the sum of three hundred million pounds, and that amount shall be apportioned, as between land in England and Wales and land in Scotland, in such manner as the Treasury may by order determine after they are sufficiently informed as to the development values of land in those countries respectively as ascertained for the purposes of this Part of this Act and of any such corresponding provisions as aforesaid.

(3) As soon as may be after they are sufficiently informed as to the development values of interests in land in respect of which claims are made for payments under this Part of this Act, the Treasury shall make a scheme providing for the distribution, as between those interests or such of them as may be prescribed by the scheme, of the sum apportioned under the last foregoing subsection to land in England and Wales.

(4) Without prejudice to the generality of the last foregoing subsection, any scheme made by the Treasury thereunder may provide for the ascertainment of the amount of the payments to be made under the scheme in respect of particular interests in land either by reference to the development values of those interests respectively or by reference to such other circumstances affecting those interests as may be prescribed by the scheme, or partly in the one way and partly in the other, and may contain such incidental and consequential provisions

PART VI.
—cont.

as appear to the Treasury to be necessary or expedient, including provision—

- (a) for applying, in relation to any payment made in accordance with the scheme, all or any of the provisions of sections twenty-four to thirty of the War Damage Act, 1943 (which relate to the rights of mortgagees and certain other persons as to payments for war damage) subject to such adaptations and modifications as may be prescribed by the scheme;
- (b) for enabling any such payment falling to be made in respect of a leasehold interest, or any part of such a payment, to be made, in such cases and subject to such conditions as may be prescribed by the scheme, to the lessor instead of to the lessee, and for any consequential modifications of the liabilities of the lessee under the lease;
- (c) for the determination of questions arising under the scheme as to the right of any person to receive a payment, or any part of a payment, thereunder.

(5) The power of the Treasury to make a scheme under this section shall include power to amend any such scheme by a subsequent scheme made thereunder.

(6) A scheme made by the Treasury under this section shall be of no effect unless it is approved by resolution of each House of Parliament.

Additional
payments in
respect of
certain war-
damaged land.

59.—(1) Without prejudice to the provisions of the last foregoing section, the Treasury may make a scheme under this section providing for the making of payments of such amounts, in such cases, and subject to such conditions, as may be prescribed by the scheme, in respect of interests in land which are depreciated in value by virtue of the provisions of this Act, being land in the case of which it is shown—

- (a) that the land sustained war damage in such circumstances that the appropriate payment under the War Damage Act, 1943, in respect of a hereditament within the meaning of that Act which consists of or includes the whole or any part of the land is a value payment;
- (b) that by reason of the prospects of development other than the making good of the war damage, the value of the hereditament in the state in which it was immediately after the occurrence of the damage is higher, and the amount of the value payment is accordingly lower, than it would be apart from the prospect of such development.

(2) For the purposes of this section, a value payment shall be deemed to be the appropriate payment under the War Damage Act, 1943, in respect of a hereditament—

PART VI.
—cont.

(a) where such a payment would be appropriate thereunder, but no payment falls to be made because the value of the hereditament in the state in which it was immediately after the occurrence of the war damage is equal to or greater than its value in the state in which it was immediately before the occurrence of the damage; and

(b) where a value payment falls to be made under any provision of the said Act in substitution for a payment of cost of works which, but for that provision, would be the appropriate payment.

(3) Any scheme made under this section may contain such incidental and consequential provisions as appear to the Treasury to be necessary or expedient, including provision for the matters specified in paragraphs (a) to (c) of subsection (4) of the last foregoing section.

(4) Any scheme made under this section shall be laid before Parliament immediately after it is made, and if either House within the period of forty days after the scheme is so laid before it, resolves that the scheme be annulled, it shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new scheme.

(5) In reckoning for the purposes of the last foregoing subsection any such period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

60.—(1) Any claim for a payment under a scheme made under this Part of this Act shall be made to the Central Land Board in such manner, within such period, and accompanied by such particulars and verified by such evidence, as may be prescribed by regulations made for the purposes of this section, or as may be required by the Board in accordance with such regulations. Establishment of claims for payments.

(2) Provision may be made by regulations under this Act for regulating the making of claims for payments under a scheme made under this Part of this Act and for the ascertainment, in the case of interests in land in respect of which claims are so made, of the development values of those interests and of such other particulars as may be required for the purposes of the preparation of a scheme under section

PART VI. fifty-eight of this Act or for the purposes of a scheme made
 —*cont.* under the last foregoing section; and without prejudice to the
 generality of the foregoing provision, such regulations may
 provide—

- (a) for requiring the development values of interests in land to be determined by such authority, in such manner and within such period as may be prescribed by the regulations, and for the settlement of any disputes arising in relation to such determinations by an arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, or by a special tribunal constituted in accordance with the regulations;
- (b) for regulating the practice and procedure to be followed in connection with the making of any such determination and the settlement of any such dispute, and the time within which and the manner in which proceedings may be taken in respect of any alleged irregularity in connection therewith;
- (c) for rendering the right to a payment under this Part of this Act conditional upon compliance with the provisions of the regulations with respect to the making of claims;
- (d) for any matters incidental to or consequential on the matters aforesaid.

(3) A claim for a payment under a scheme made under this Part of this Act may be made in respect of any interest in land being an interest in fee simple or a leasehold interest as defined by this Act.

(4) Subject as hereinafter provided, a claim for a payment under a scheme made under this Part of this Act may be made in respect of such land as the claimant thinks fit, and different claims may be made in respect of the interest of the same person in different parcels of land:

Provided that the Central Land Board may direct that any two or more claims in respect of the interest of the same person in different parcels of land shall be dealt with together and treated as if they were one claim in respect of the interest of that person in the whole of the land included in the claims.

Ascertainment of development values of land. 61.—(1) For the purposes of this Part of this Act and of any scheme made thereunder an interest in land shall be deemed to be depreciated in value by virtue of the provisions of this Act if the restricted value of that interest on the appointed day, calculated in accordance with

the provisions of this and the next following section, is less than the unrestricted value of that interest on that day as so calculated; and references in this Part of this Act to the development value of an interest in land shall be construed as references to the difference between those values.

PART VI.
—*cont.*

(2) Subject to the following provisions of this section—

(a) the restricted value of an interest in land on the appointed day shall be taken to be the value of that interest as it subsists on that day, calculated on the assumption that planning permission would be granted under Part III of this Act for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development; and

(b) the unrestricted value of an interest in land on the appointed day shall be taken to be the value which that interest would have had as it subsists on that day if the provisions of this Act (other than this and the next following section) had not passed.

(3) Where land is used on the appointed day for the display of advertisements, no account shall be taken, in calculating the restricted value of any interest therein, of any power to require the discontinuance of that use by virtue of regulations made under the provisions of Part III of this Act with respect to the control of advertisements.

(4) Where any permission to develop land granted on an application made in that behalf under an interim development order has been revoked or modified before the appointed day under section four of the Town and Country Planning 6 & 7 Geo. 6.
(Interim Development) Act, 1943, the unrestricted value of c. 29.
any interest in that land shall be calculated without regard to the revocation or modification of that permission:

Provided that—

(a) in calculating the unrestricted value of the interest no account shall be taken of any works in respect of which any compensation has been paid under subsection (2) of section seven of the said Act; and

(b) if any contribution has been paid under subsection (4) of the said section four to the owner of the interest or his predecessor in title, the amount of that contribution shall be deducted from the unrestricted value of the interest.

(5) For the purposes of this section, the restricted and the unrestricted values of interests in land shall be calculated by reference to prices current immediately before the seventh day of January, nineteen hundred and forty-seven, and for that purpose any such interest shall be treated as if it had

PART VI.
—cont.

been subsisting immediately before that date with all incidents to which it is subject on the appointed day (being incidents which are relevant to the calculation of the restricted or unrestricted value of that interest, as the case may be), and the land shall be treated as having been immediately before that date in the same state as it is on the appointed day:

Provided that in computing the restricted value of an interest in land, no account shall be taken of the provisions of this Act except in their application to that land.

(6) In computing the unrestricted value of the interest of any person in land which, on the appointed day, was held by him with other land, there shall be deducted—

- (a) an amount equal to the compensation (if any) to which that person would be entitled for the severance of the land from that other land if the first-mentioned land were compulsorily acquired by a government department in pursuance of a notice to treat given on the appointed day; and
- (b) in so far as the unrestricted value of the land depends on the prospect of development which would injuriously affect that other land, an amount equal to the compensation (if any) to which that person would be entitled for such injurious affection if the first-mentioned land were compulsorily acquired as aforesaid for the purpose of that development.

(7) In so far as the unrestricted value of an interest in land depends upon the prospect of any development which, if carried out by the owner of that interest, would necessarily involve a loss to him in the nature of disturbance in respect of the purposes for which the land is being used on the appointed day, the amount of that loss shall be deducted from the unrestricted value of that interest.

Supple-
mentary
provisions
as to
development
values.

62.—(1) Rules (2) (3) and (4) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in computing the restricted and the unrestricted values of interests in land for the purposes of this Part of this Act as they apply in relation to the compulsory purchase of interests in land.

(2) The restricted and the unrestricted values of an interest in land expectant on the determination of a lease shall be computed on the assumption that the lessee will at all times be able to pay the rent and perform his other obligations under the lease, and the restricted and the unrestricted values of a leasehold interest or of an interest expectant on the determination of a lease shall be computed as aforesaid on the assumption that any option exercisable by either party to

determine or to renew the lease will be exercised by that party if it is in his interest so to do and not otherwise.

PART VI.
—cont.

(3) The restricted and the unrestricted values of an interest in land which is subject to a mortgage shall be computed as if the mortgage had been discharged.

(4) It is hereby declared that the restricted or the unrestricted value, or both the restricted and the unrestricted values, of an interest in land may be a minus quantity.

63.—(1) Without prejudice to any provisions which may be included in a scheme made under section fifty-eight of this Act for prescribing the cases in which payments are to be made thereunder, no such payment shall be made in respect of an interest in land in respect of which a claim is made unless—

Exclusion
of small
claims.

(a) the development value of that interest, when averaged over the area of the land, exceeds the rate of twenty pounds per acre; and

(b) the development value of that interest also exceeds one tenth of its restricted value.

(2) In determining for the purposes of paragraph (b) of the foregoing subsection whether the development value of an interest in land exceeds one tenth of its restricted value, those values shall be calculated—

(a) in the case of a leasehold interest, as if the rent payable under the lease were a rent of a peppercorn;

(b) in the case of an interest which is subject to a rent-charge, as if the interest were not subject thereto.

64.—(1) Subject to the provisions of any scheme made under this Part of this Act with respect to the disposal of payments made thereunder, the right to receive any such payment in respect of an interest in land shall vest in the person who is on the appointed day the owner of that interest.

Vesting and
assignment
of right to
payments
under Part VI.

(2) The right to receive a payment under any scheme made under this Part of this Act, or a part of such a payment, shall be transmissible by assignment or by operation of law as personal property:

Provided that regulations made under this Act may direct that any such assignment shall be of no effect for the purposes of any such scheme as aforesaid unless notice thereof has been given to the Central Land Board, in the manner prescribed by the regulations, within such period as may be so prescribed.

(3) Subject to the following provisions of this section the reference in this section to the owner of an interest in land shall be construed as a reference to the person in whom the

PART VI
—cont.

legal estate in respect of the interest is vested or, if the interest is a tenancy under an agreement for a lease, to the person entitled to have vested in him the legal term agreed to be created.

(4) Where the legal estate or the title thereto, as the case may be, in respect of an interest in land is vested in the official trustee of charity lands or other trustee on or for charitable, ecclesiastical or public trusts or purposes not entitled to act in the trust, or in the Public Trustee holding in circumstances in which he is not entitled to act in the trust then,—

(a) in the case of a trustee on or for charitable, ecclesiastical or public trusts or purposes, the managing trustees or committee of management shall be deemed for the purposes of this section to be the owner of the interest;

(b) in the case of the Public Trustee, the person in receipt of the rent incident to the Public Trustee's estate, or, if there is no rent incident thereto, the person in occupation of the land, shall be deemed for those purposes to be the owner of the interest.

15 & 16 Geo. 5.
c. 23.
22 & 23 Vict.
c. 31.

(5) Where under section nine of the Administration of Estates Act, 1925, or section fifteen of the Court of Probate (Ireland) Act, 1859, the estate of a person who died intestate is vested in the Probate Judge, that judge shall not be deemed for the purposes of this section to be the owner of any interest in land comprised in the estate, but upon administration being granted the administrator shall be deemed for those purposes to have been the owner thereof as from the date of the death.

2 & 3 Geo. 6.
c. 75.

(6) In relation to requisitioned land the reference in paragraph (b) of subsection (4) of this section to rent shall be construed as including a reference to compensation payable under the Compensation (Defence) Act, 1939, or under any such agreement as is mentioned in section fifteen of that Act, and the reference in the said paragraph (b) to the person in receipt of rent shall be construed as a reference to the person who is, or, if a claim therefor had been duly made under that Act, would have been, in receipt of such compensation as aforesaid.

Satisfaction of Payments.

Satisfaction of
payments
under Part VI.

65.—(1) All payments falling to be made in accordance with a scheme made under section fifty-eight of this Act shall be satisfied by the issue of government stock, that is to say stock the principal of which and the interest on which shall be charged on the Consolidated Fund; and all payments falling

to be made in accordance with a scheme made under section fifty-nine of this Act shall be made in cash by the Central Land Board.

PART VI.
—cont

(2) Any such stock shall be issued on such date as may be fixed by the Treasury, being a date not later than five years after the appointed day:

Provided that if the amount of any payment required by this section to be satisfied by the issue of stock has not been finally determined on the date so fixed, the stock to be issued in satisfaction of the payment shall be issued on such date not being later than three months after the amount thereof has been so determined as the Treasury may direct.

(3) Interest on the amount of any payment falling to be made in accordance with a scheme made under this Part of this Act shall accrue, at such rate as may from time to time be determined by the Treasury, from the appointed day until the payment is satisfied in accordance with the provisions of this section, and shall be paid in cash by the Central Land Board at the time when the payment is so satisfied.

(4) The amount of the stock to be issued in satisfaction of any payment under this Part of this Act shall be such as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the payment, having due regard to the market values of other government securities existing on that date.

(5) The Treasury may by regulations make provision as to the procedure for the issue of stock in satisfaction of payments under this Part of this Act including provision as to evidence of the amount of stock to be issued in any case, and the person to whom it is to be issued, on which the Banks of England and Ireland respectively are to be authorised or required to act.

66.—(1) Any stock issued in accordance with the last foregoing section (in this section referred to as "the stock") shall bear such rate of interest, and shall be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

General
provisions
as to stock.

(2) Any expenses incurred in connection with the issue or repayment of the stock shall be charged on and issued out of the Consolidated Fund.

(3) The Treasury may, for the purpose of providing any sums required by them in order to redeem the stock, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any

² & ³ Geo. 6.
c. 117.

PART VI.
—cont.

securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(4) Interest on the stock shall be paid out of the permanent annual charge for the national debt.

(5) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such sum in respect of the management of the stock in any financial year as may be agreed upon between the Treasury and those banks respectively.

5 & 6 Geo. 6.
c. 21.

(6) Section forty-seven of the Finance Act, 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of the Eleventh Schedule to that Act) and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if the stock were included among the stocks mentioned in the said Part I and among the stocks to which the said regulations apply.

33 & 34 Vict.
c. 71.

(7) The stock shall be subject to the provisions of the National Debt Act, 1870, so far as is consistent with the tenor of this Act.

(8) Paragraphs 3, 4 and 5 of the Second Schedule to the National Loans Act, 1939 (which applies certain enactments to securities issued under that Act) shall have effect as if references to securities so issued included references to the stock.

Provision for
payments in
cash.

67.—(1) The Treasury may issue to the Central Land Board out of the Consolidated Fund such sums as are necessary to enable the Board to make any payments which under this Part of this Act are payable by the Board in cash.

(2) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under that Act.

Payments by
Central Land
Board into
Exchequer.

68.—(1) The Central Land Board shall, out of moneys provided by Parliament, pay into the Exchequer in accordance with the following provisions of this section sums equal to the aggregate amount of—

(a) the amount of any payments satisfied by the issue of stock under the foregoing provisions of this Part of this Act; and

PART VI.
—cont.

(b) the amount of any sums issued to the Board out of the Consolidated Fund under the last foregoing section in respect of interest on such payments, together with interest on the said aggregate amount at such rate as the Treasury may direct from the date of the issue.

(2) The sums required by the foregoing subsection to be paid into the Exchequer by the Central Land Board shall be paid by twenty equal instalments of principal and interest, of which the first shall be paid one year after the date fixed by the Treasury for the issue of the stock, and the remainder annually thereafter:

Provided that where any payment made under this Part of this Act is satisfied, in accordance with the proviso to subsection (2) of section sixty-five of this Act, by the issue of stock at any time after the date fixed as aforesaid, the sums required to be paid into the Exchequer under this section in respect of that payment, and in respect of sums issued to the Board under the last foregoing section in respect of interest thereon, shall be so paid by such number of equal annual instalments of principal and interest as will complete the instalments on the same date as the instalments in respect of payments which are satisfied on the date fixed as aforesaid.

(3) Any sums paid into the Exchequer under the foregoing provisions of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;
- (b) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this provision, have fallen to be paid out of the permanent annual charge for the national debt.

PART VII.

DEVELOPMENT CHARGES.

69.—(1) Subject to the provisions of this Act, there shall be paid to the Central Land Board in respect of the carrying out of any operations to which this Part of this Act applies, and in respect of any use of land to which this Part of this Act applies, a development charge of such amount (if any) as the Board may determine, and accordingly no such operations shall be carried out, and no such use shall be instituted or continued, except with the consent in writing of the Central Land Board, until the amount of the charge (if any) to be

Levy of
development
charge in
respect of
certain
development.

PART VII.
—*cont.*

paid in respect of those operations or that use has been determined by the Board in accordance with the provisions of this Part of this Act, and the Board have certified that the amount so determined has been paid or secured to their satisfaction in accordance with those provisions.

(2) This Part of this Act applies to all operations for the carrying out of which planning permission under Part III of this Act is required, and to all uses of land for the institution or continuance of which such permission is so required:

Provided that—

- (a) this Part of this Act does not (except as hereinafter provided) apply to operations of any description specified in the Third Schedule to this Act or to any use of land so specified;
- (b) regulations made under this Act with the consent of the Treasury may provide for exempting from the provisions of this Part of this Act operations or uses of any description specified in the regulations.

(3) Notwithstanding anything in paragraph (a) of the proviso to the last foregoing subsection, where planning permission is granted under Part III of this Act for the carrying out of operations of any class specified in the Third Schedule to this Act, or for the institution of any use so specified, then if—

- (a) compensation has been paid under section twenty of this Act in consequence of a previous refusal of permission for those operations or that use or of the grant of such permission subject to conditions, or in consequence of the revocation or modification of permission so granted; or
- (b) compensation has been paid under section twenty-seven of this Act in consequence of an order requiring the removal of any building or the discontinuance of any use of land, and the planning permission authorises the rebuilding of that building or the resumption of that use,

this Part of this Act shall apply to those operations, or to that use, as the case may be; and where the amount of the development charge to be paid in respect of those operations or that use has been determined by the Central Land Board in accordance with the provisions of this Part of this Act, the Board may pay to any local authority by whom any such compensation as aforesaid has been paid a contribution towards that compensation not exceeding the said amount.

(4) Where, by virtue of any provision of this Act, planning permission under Part III of this Act is granted in respect of the retention on land of any buildings or works erected or

carried out in accordance with planning permission granted for a limited period only, this Part of this Act shall apply to the retention of the buildings or works as it applies to operations for which planning permission under Part III of this Act is required; and references in this Part of this Act to the carrying out of such operations shall be construed accordingly.

PART VII.
—cont.

(5) Regulations made for the purposes of paragraph (b) of the proviso to subsection (2) of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(6) Any sums required by the Central Land Board for the making of contributions under this section shall be defrayed out of moneys provided by Parliament.

70.—(1) Subject as hereinafter provided, the Central Land Board shall, on application being made to them in the manner prescribed by regulations under this Act by a person having an interest in land sufficient to enable him to carry out any such operations as aforesaid or to make any such use as aforesaid, or by a person who satisfies them that he is able to obtain such an interest, determine whether any and if so what development charge is to be paid in respect of those operations or that use:

Determination
of develop-
ment charge
by Central
Land Board.

Provided that—

- (a) where planning permission under Part III of this Act has not been granted for the carrying out of the said operations or for the institution or continuance of the said use, the Board may postpone the determination of the development charge to be paid in respect thereof until such permission has been granted;
- (b) where the application relates to the carrying out of any operations, the Board may refuse to determine the development charge payable in respect thereof unless they are satisfied, after consultation with the local planning authority, that the applicant is able to carry out those operations, and that he will do so within such period as the Board consider appropriate;
- (c) where the application relates to the institution of any use of land, the Board may refuse to determine the amount of the charge in respect thereof unless they are satisfied, after consultation with the local planning authority, that the use will be instituted within such period as the Board consider appropriate.

PART VII.
—cont.

(2) In determining whether any and if so what development charge is to be paid under this Part of this Act in respect of any operations or any use of land, the Board shall have regard to the amount by which the value of the land with the benefit of planning permission for those operations or that use (calculated without regard to any charge payable in respect thereof under this Part of this Act and on the assumption that the operation or use can lawfully be carried out or made apart from the provisions of this Act) exceeds the value which it would have without the benefit of such permission, and shall not give any undue or unreasonable preference or advantage to one applicant over another.

(3) Subject to the provisions of the last foregoing subsection, regulations made under this Act with the consent of the Treasury may prescribe general principles to be followed by the Central Land Board in determining under this Part of this Act whether any and if so what development charge is to be paid thereunder in respect of any operations or use of land; and without prejudice to the generality of the foregoing provision, such regulations may in particular provide for securing that the amount of the said charge shall be determined on different principles in relation to operations or uses of different classes, or in relation to operations or uses carried out or begun at different periods.

(4) Where planning permission for any operations, or for any use of land, is granted under subsection (6) of section twenty-six of this Act, or directions are given under subsection (2) of section nineteen of this Act requiring such permission to be granted on application made in that behalf, the Board may determine the amount of the development charge (if any) which would be payable under this Part of this Act in respect of those operations or that use, notwithstanding that no such application as is mentioned in this section has been made to them in that behalf.

(5) Regulations made for the purposes of subsection (3) of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

Payment and security for payment of development charges.

71.—(1) The amount of the development charge payable under this Part of this Act in respect of the carrying out of any operations or in respect of any use of land may be determined either as a single capital payment or as a series of instalments of capital, or of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Central Land Board may determine after taking into account any representations made by the applicant.

PART VII.
—cont.

(2) Except where the development charge is determined as aforesaid as a single capital payment which is then discharged, the Central Land Board may require the applicant—

- (a) to enter into such covenants as they may direct for the payment of any sums payable by virtue of the determination (whether with or without interest in default of due payment);
- (b) to give such security as they may direct (whether by way of a charge on the interest of the applicant in the land or otherwise) for the payment of any such sums as aforesaid:

Provided that notwithstanding anything in this section or in any requirement of the Board thereunder, any person for the time being interested in the land may at any time discharge any outstanding liability for sums payable by virtue of the determination by the payment of such amount as may be determined by the Board to represent the value of those sums subject to such discount as they consider appropriate.

(3) Where the amount of a development charge as determined by the Board has been discharged or any such requirement as aforesaid has been complied with, or where the Board determine that no such charge is to be paid, the Board shall, if so required by the applicant, issue their certificate to that effect.

(4) The purposes authorised for the application of capital moneys—

- (a) by section seventy-three of the Settled Land Act, 1925, and by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale; and 15 & 16 Geo. 5.
c. 20.
- (b) by section twenty-six of the Universities and College Estates Act, 1925, 15 & 16 Geo. 5.
c. 24.

and the purposes authorised by section seventy-one of the Settled Land Act, 1925, by that section as applied as aforesaid, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage, shall include the discharge of any sum payable in respect of a development charge under this Part of this Act, being a sum determined by the Board under this section as a capital payment or as an instalment of capital.

(5) Any sums received by the Central Land Board in respect of the payment of a development charge shall be paid into the Exchequer.

72.—(1) Subject as hereinafter provided, a determination of the Central Land Board under this Part of this Act in respect of any operations or use of land shall have effect in relation to the carrying out of those operations, or, as the case may

Scope and
effect of
determinations
of Central
Land Board.

PART VII.
—*cont.*

be, in relation to that use of the land, by any person for the time being interested therein and the question whether any and if so what development charge is to be paid under this Part of this Act in respect of any such operations or use shall be determined accordingly:

Provided that the Board may, if they think fit, direct that any such determination as aforesaid shall cease to have effect if, before the operations to which the determination relates are carried out or completed, or, as the case may be, before the use to which it relates is instituted, any interest in the land is transferred or created (otherwise than by operation of law), unless the determination is confirmed by the Board with or without modifications, on a subsequent application made to them in that behalf.

(2) Notwithstanding anything in the foregoing subsection, the amount of the development charge payable under this Part of this Act in respect of the use of land for any purpose may be determined in respect of the use of the land for that purpose during such period as may be specified in the determination:

Provided that—

- (a) where planning permission for the institution or continuance of the use of land for any purpose has been granted under Part III of this Act for a limited period only, the amount of the said charge shall not be determined in respect of the use of the land for that purpose during any longer period; and
- (b) where application is made to the Central Land Board to determine the amount of the said charge in respect of the use of the land for any purpose during any period specified in the application, the said amount shall not be so determined in respect of the use of the land for that purpose during any period longer than the period so specified.

(3) Where a determination of the Central Land Board is made, under the last foregoing subsection, in respect of the use of land for any purpose during a period specified in the determination, the provisions of this Part of this Act shall apply in relation to the use of the land for that purpose by any person after the expiration of that period as if the determination had not been made.

Variation of
determinations
and repay-
ment of
development
charges in
certain cases.

73.—(1) The Central Land Board may at any time, on application made to them in that behalf in accordance with regulations under this Act by the person entitled to an interest in land to which a determination under this Part of this Act relates, vary their determination in such manner as appears to them to be appropriate having regard to any change

of circumstances since the determination was made, including the development, after the determination, of adjacent land in accordance with planning permission granted otherwise than in accordance with the provisions of the development plan, and may amend, discharge or release any covenants or charges made or given in respect of the determination, or repay any sums previously paid thereunder, so far as may be required in order to give effect to the variation :

PART VII.
—*cont.*

Provided that, except in a case where application is made to them to confirm a previous determination on the transfer or creation of any interest in land, the Board shall not have power to vary any determination under this Part of this Act so as to increase the amount of the development charge payable thereunder.

(2) Where, after the amount of the development charge has been determined under this Part of this Act in respect of any operations or in respect of any use of land, and before the amount so determined has been fully discharged—

- (a) planning permission for the carrying out of those operations or for the institution or continuance of that use is revoked by an order made under section twenty-one of this Act; or
- (b) an order is made under section twenty-six of this Act requiring the removal of any buildings or works erected or constructed in carrying out those operations, or requiring the discontinuance of that use; or
- (c) the whole of the land to which the determination relates is compulsorily acquired under this or any other Act,

the determination, and any covenants or charges made or given in respect thereof, shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder.

(3) Where, after the amount of the development charge has been determined as aforesaid, and before the amount so determined has been fully discharged,—

- (a) planning permission for the carrying out of the operations, or for the institution or continuance of the use, to which the determination relates, is modified by an order made under the said section twenty-one; or
- (b) an order is made under the said section twenty-six requiring the alteration of any buildings or works erected or constructed in the carrying out of those operations, or imposing conditions on the continuance of that use; or

PART VII.
—*cont.*

- (c) any part of the land to which the determination relates is compulsorily acquired under this or any other Act,

the Board shall, on application made to them in accordance with regulations under this Act, vary the determination and amend, discharge or release any covenants or charges made or given in respect thereof, so far as may be just in consequence of the modification, order or purchase, as the case may be.

(4) Where compensation is payable under Part III of this Act in consequence of any such order as mentioned in paragraph (a) or paragraph (b) of subsection (2) or subsection (3) of this section, then in calculating for the purposes of the compensation any depreciation in the value of the land to which the order relates, or any other loss or damage sustained by a person interested in that land, regard shall be had to the foregoing provisions of this section and to anything done by the Board thereunder.

(5) Where compensation is payable under the said Part III in consequence of any such order as aforesaid, or where land is compulsorily acquired as mentioned in paragraph (c) of subsection (2) or subsection (3) of this section, then if any sums have been paid to the Central Land Board by way of development charge in accordance with the determination referred to in those subsections, the Board shall pay to the authority or person by whom compensation is payable in consequence of the order or, as the case may be, in respect of the compulsory acquisition, a contribution towards that compensation representing such proportion of the sums so paid by way of development charge as may be agreed between the Board and that authority or person, or, failing agreement, as may be determined by the Minister, to be appropriate in all the circumstances of the case.

(6) Subsection (3) of section twenty-two of this Act shall apply for the purposes of this section as it applies for the purposes of that section, and shall accordingly have effect as if the reference therein to the foregoing provisions of that section included a reference to the foregoing provisions of this section; and any reference in this section to the compulsory acquisition of land shall be construed as including a reference to the acquisition of land by agreement by any authority or person who has power or can be authorised to acquire it compulsorily.

(7) Any sums required by the Central Land Board for the repayment of sums under this section, or for the making of contributions thereunder, shall be defrayed out of moneys provided by Parliament.

74.—(1) If any operations to which this Part of this Act applies are carried out, or any use of land to which this Part of this Act applies is instituted or continued, in contravention of the foregoing provisions of this Part of this Act, the Central Land Board may, without any application being made to them in that behalf, by order determine whether any and if so what development charge is to be paid in respect of those operations or in respect of that use:

PART VII.

—cont.

Powers of
Central Land
Board as
to develop-
ment carried
out in
contravention
of Part VII.

Provided that, subject to the following provisions of this section, the amount of the development charge so determined shall not exceed the amount which, in the opinion of the Board, would have been so determined if application had been duly made to them in that behalf under this part of this Act.

(2) Any order made under this section may require the payment to the Board, by such persons as may be specified in the order (being persons by whom the operations were carried out, or by whom the use was instituted or continued, as the case may be), of such sums in respect of the charge and interest thereon as may be so specified, and may charge the interest of any person in the land with the payment of any sums so payable by that person or by any of his predecessors in title.

(3) Subject as hereinafter provided, the Central Land Board may, if it appears to them to be just so to do, include in the amount of the development charge determined by an order under this section such additional sum by way of penalty as they consider appropriate, not exceeding twice the amount of the development charge determined as aforesaid, and the provisions of subsection (2) of this section shall apply in relation to any such penalty as they apply in relation to the amount determined as aforesaid:

Provided that any person who is aggrieved by the inclusion of any such penalty in an order under this section may appeal to the appropriate court, and that court may, if they think fit, modify the order by omitting the penalty or by reducing the amount thereof to such extent as they consider appropriate.

(4) The provisions of this section shall apply in relation to any such operations or uses of land as are mentioned in subsection (1) of this section whether or not planning permission was granted in respect thereof under Part III of this Act; but where proceedings are taken under section twenty-three of this Act for the enforcement of planning control in relation to any such operations or use, regard shall be had to those proceedings in determining the amount of the development charge under this section.

(5) A charge on land created by virtue of an order under this section shall be deemed to be a land charge of Class A

PART VII.
—cont.

within the meaning of the Land Charges Act, 1925, and the Board shall, for the purposes of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as they would have if they were mortgagees by deed having powers of sale and lease and of appointing a receiver.

(6) For the purposes of subsection (3) of this section, the expression "the appropriate court" means, in relation to a penalty exceeding five hundred pounds, the High Court, and in relation to any other penalty, the county court for the district in which the land or any part thereof is situated.

PART VIII.

APPLICATION TO SPECIAL CASES.

Existing
development
contravening
previous
planning
control.

75.—(1) Where any works on land existing at the appointed day were carried out, or any use to which land is put on that day was begun, in contravention of previous planning control, then, subject to the provisions of this section, the provisions of Part III of this Act with respect to enforcement notices shall apply in relation thereto as they apply in relation to development carried out after the appointed day without the grant of permission in that behalf under the said Part III:

Provided that an enforcement notice shall not be served by virtue of the provisions of this section in respect of any works or use (not being works or a use carried out or begun during the war period as defined by the Building Restrictions (War-Time Contraventions) Act, 1946) at any time after three years from the appointed day.

9 & 10 Geo. 6.
c. 35.

(2) Where any such works as aforesaid were carried out, or any such use as aforesaid was begun, during the war period as defined by the Building Restrictions (War-Time Contraventions) Act, 1946, then—

- (a) if by virtue of the provisions of that Act, or of any determination effected thereunder (whether before or after the appointed day), the works or use are deemed to comply with planning control within the meaning of that Act, the provisions of this section shall not apply, or, as the case may be, shall cease to apply to those works or that use; and
- (b) if it has been determined under that Act (whether before or after the appointed day) that the works or use shall not be deemed to comply with planning control within the meaning of that Act, subsection (3) of section twenty-three of this Act shall have effect, in relation to any enforcement notice served

in respect of the works or use by virtue of the provisions of this section, as if the proviso to that subsection were omitted.

PART VIII.
—cont.

(3) Where, by virtue of this section, an enforcement notice is served in respect of any works being government war works within the meaning of the Requisitioned Land and War Works Act, 1945, then, subject as hereinafter provided—

- (a) if the steps required by the notice are taken by the owner or occupier of the land, any expenses reasonably incurred in that behalf shall be recoverable from the authority by whom the notice was served;
- (b) if the steps required by the notice are taken by the said authority, that authority shall not be entitled, under section twenty-four of this Act, to recover the expenses incurred by them in that behalf:

Provided that where, under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, the foregoing provisions of this subsection shall not apply; and where compensation has been paid under the said paragraph (b) (otherwise than as aforesaid), or under subsection (4) of section three of the said Act, in respect of the land, the amount which, by virtue of this subsection, is recoverable from the authority by whom the enforcement notice was served or, as the case may be, is not recoverable by that authority, shall be reduced so far as may be just having regard to the compensation so paid.

(4) The power of the local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any buildings or other works or use of land in respect of which that authority are empowered to serve an enforcement notice by virtue of the provisions of this section; and where permission is so granted, the foregoing provisions of this section shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of the said Part III with respect to the contravention of conditions subject to which permission for development has been granted thereunder.

(5) In relation to an enforcement notice served by virtue of this section, subsection (4) of section twenty-three of this

PART VIII. Act shall have effect as if for paragraph (a) thereof there were substituted the following paragraph:—

—*cont.*

“(a) if satisfied that the works or use to which the notice relates are not works or a use to which section seventy-five of this Act applies, shall quash the notice to which the appeal relates”.

(6) Where an enforcement notice served by virtue of this section in relation to any land takes effect—

(a) the value of any interest therein for the purposes of the assessment of the compensation payable under Part V of this Act on the compulsory acquisition thereof; and

(b) the development value of any interest therein for the purposes of Part VI of this Act

shall be calculated having regard to the requirements of the notice, and the assumptions required to be made for those purposes shall be modified accordingly.

(7) Where, under Part III of this Act, planning permission is granted for the continuance of any such use as is mentioned in subsection (1) of this section, then, notwithstanding anything in subsection (2) of section sixty-nine of this Act, no development charge shall be payable under Part VII of this Act in respect of the continued use of the land, in accordance with permission so granted.

(8) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in contravention of any restriction in force under any enactment repealed by this Act (other than the enactments relating to town and country planning); and any such regulations may make such consequential provisions as the Minister considers expedient, including provision for amending the Building Restrictions (War-Time Contraventions) Act, 1946, in its application to any such restriction as aforesaid:

Provided that where provision is made by such regulations for amending the said Act of 1946, the regulations shall be of no effect unless they are approved by resolution of each House of Parliament.

(9) For the purposes of this section, works on land shall be deemed to have been carried out, and uses of land to have been begun, in contravention of previous planning control—

(a) where at the material time the land was subject to a resolution to prepare a planning scheme, if carried out or begun otherwise than in accordance with permission granted in that behalf by or under the interim development order;

- (b) where at the material time the land was subject to a planning scheme, if carried out or begun otherwise than in conformity with the provisions of the scheme or of permission granted thereunder;

PART VIII.
—*cont.*

and where permission for any works or use was granted as aforesaid subject to conditions (in whatever form) restricting the period during which the works or use could be continued on the land, and that period has expired before the appointed day, the provisions of this section shall apply as if the works or use had been carried out or begun in contravention of previous planning control.

76.—(1) Where any works on land existing at the appointed day, or any use to which land is put on that day, has been authorised by a permission granted subject to conditions under a planning scheme or under an interim development order, the provisions of Part III of this Act shall apply in relation to those works or that use as if the conditions had been imposed on the grant of planning permission under the said Part III.

Existing
development
authorised
subject to
conditions.

(2) Without prejudice to the generality of the foregoing subsection, where any such permission as aforesaid was granted subject to conditions (in whatever form) restricting the period for which the works or use may be continued on the land, then, if that period has not expired at the appointed day and the works are not removed, or the use discontinued, at the expiration of that period, the provisions of Part III of this Act with respect to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the expiration of that period and without the grant of permission in that behalf under the said Part III.

(3) The power of a local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in the last foregoing subsection; and where permission is so granted—

- (a) the last foregoing subsection shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of the said Part III with respect to the contravention of conditions subject to which permission for development has been granted thereunder;

PART VIII.
—cont.

(b) in a case where the permission authorises the retention of any works, subsection (4) of section sixty-nine of this Act shall apply in relation to the retention of those works as if they had been erected or carried out in accordance with planning permission granted for a limited period only.

(4) The value of any interest in land to which any such permission as is mentioned in subsection (1) of this section relates for the purposes of the assessment of compensation payable under Part V of this Act on the compulsory acquisition thereof, and the development value of any such interest for the purposes of Part VI of this Act, shall be calculated having regard to the conditions subject to which the permission was granted and to the provisions of this section, and the assumptions required to be made for those purposes shall be modified accordingly.

(5) Where at any time before the appointed day, it has been determined under the Building Restrictions (War-time Contraventions) Act, 1946, that any works on land or any use of land shall be deemed to comply with planning control within the meaning of that Act subject to any conditions specified in the determination, the provisions of this section shall apply in relation to those works or that use, and in relation to any interest in the land in question, as if the said conditions had been imposed on the grant of permission under a planning scheme or under an interim development order; and notwithstanding any breach of those conditions, the provisions of the last foregoing section shall not apply thereto.

(6) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in accordance with permission granted subject to conditions under any enactment repealed by this Act (other than the enactments relating to town and country planning); and for the purposes of this provision any works or use in respect of which a notice has been served under subsection (1) of section one of the Restriction of Ribbon Development (Temporary Development) Act, 1943, or is deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use may be continued on the land.

6 & 7 Geo 6.
c. 34.

General
provisions as
to develop-
ment
authorised
under interim

77.—(1) Where permission for any development of land has been granted, at any time after the twenty-first day of July, nineteen hundred and forty-three, and before the appointed day, on an application in that behalf made under

an interim development order, then if and so far as that development has not been carried out before the appointed day and the permission granted as aforesaid is in force immediately before that day, planning permission shall be deemed by virtue of this section to be granted in respect thereof under Part III of this Act, subject to the like conditions, if any, as were imposed by the permission under the interim development order as in force as aforesaid:

PART VIII.
cont.
development
orders after
21st July,
1943.

Provided that this subsection shall not apply in relation to any development for which permission was required before the appointed day under the Restriction of Ribbon Development Act, 1935, unless that permission has also been granted.

(2) Subject to the provisions of the next following section, in any case to which those provisions apply, no account shall be taken of the provisions of this section in calculating for the purposes of Part VI of this Act the development value of any interest in land for the development of which permission is deemed to be granted by virtue of this section; and nothing in this section shall be construed as affecting the operation of Part VII of this Act in relation to any development in respect of which permission is deemed to be so granted.

(3) The provisions of section twenty-one of this Act shall apply in relation to permission which is deemed to be granted by virtue of this section as if it had been granted on an application made in that behalf under Part III of this Act, and in relation to any order made under that section for the revocation or modification of any such permission any reference in subsection (2) of section twenty-two of this Act to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order.

(4) Where permission for any development of land has been granted as mentioned in subsection (1) of this section, and permission for that development has also been granted under the Restriction of Ribbon Development Act, 1935, then if the permission so granted under the said Act of 1935 was granted subject to conditions, those conditions shall be treated for the purposes of this section as conditions imposed by the permission granted under the interim development order.

78.—(1) Subject to the provisions of this section, where any works for the erection or alteration of a building have been begun but not completed before the appointed day, then if immediately before that day those works could have been completed in conformity with the provisions of a planning scheme or of permission granted thereunder, or in accordance with permission granted by or under an interim development

Unfinished
buildings.

PART VIII.
—cont.

order, and if any permission required under the Restriction of Ribbon Development Act, 1935, for the carrying out of those works was granted, planning permission shall, by virtue of this section, be deemed to be granted under Part III of this Act in respect of the completion of those works.

(2) The permission deemed to be granted by virtue of this section shall be deemed to be so granted subject to any conditions applicable thereto by or under the scheme or the permission granted by or under the interim development order, as the case may be, and to any conditions imposed by the permission granted under the Restriction of Ribbon Development Act, 1935, and shall include permission to use the building when erected or altered—

- (a) where the purpose for which it could be so used was prescribed by or under the planning scheme, or by the permission granted by or under the interim development order, as the case may be, for that purpose;
- (b) in any other case, for the purpose for which the building, or the building as altered, is designed.

(3) The development value of land for the development of which permission is deemed to be granted by virtue of this section shall be calculated for the purposes of Part VI of this Act as if that development had been completed immediately before the appointed day, and no development charge shall be payable under Part VII of this Act in connection with that development.

(4) In relation to any such works as are mentioned in subsection (1) of this section, being works in respect of which permission was granted after the twenty-first day of July, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this section shall have effect in substitution for the provisions of the last foregoing section.

Compensation
for abortive
expenditure
on refusal of
permission for
other develop-
ment autho-
rised before
appointed day.

79.—(1) Where an application is made under Part III of this Act within six months after the appointed day for permission to complete or carry out any buildings or works begun or contracted for before that day, and that permission is refused by the Minister, either on appeal or on the reference of the application to him for determination, or is so granted by the Minister subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown—

- (a) that the buildings or works in question were begun or contracted for in conformity with the provisions of a

planning scheme or of permission granted thereunder, or in accordance with permission granted, at any time before the twenty-second day of July, nineteen hundred and forty-three, by or under an interim development order; or

- (b) that the buildings or works in question were begun or contracted for at a time when no resolution to prepare or adopt such a scheme had taken effect; and
- (c) that the applicant has incurred expenditure in carrying out work which is rendered abortive by the refusal or conditions, or has entered into a contract for any work which is abandoned in consequence thereof,

that authority shall pay to the applicant compensation equal to the expenditure so incurred or, as the case may be, to any sum reasonably paid by him in the discharge of any liability arising under the contract in respect of the abandonment of the work.

(2) For the purposes of the last foregoing subsection, any expenditure incurred in the preparation of plans for the purposes of any work or upon any similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under the said subsection in respect of anything done for the purposes of any such buildings or works as are mentioned in paragraph (a) of subsection (1) of this section if it was done before the following date, that is to say—

- (a) where the building or work was authorised by permission granted under a planning scheme or by or under an interim development order, the date on which permission was so granted;
- (b) where the building or work was otherwise begun or contracted for in conformity with a planning scheme, the date on which that scheme came into force.

(3) Any compensation payable under this section in respect of an interest in land shall be payable in addition to any compensation payable under Part III of this Act in respect of that interest in consequence of the refusal of the permission or the grant thereof subject to conditions:

Provided that no account shall be taken, in assessing the compensation payable as aforesaid under the said Part III (whether in respect of the compulsory acquisition of the said interest or otherwise), of the value of any works in respect of which compensation is payable under this section.

PART VIII.
—cont.

(4) The reference in subsection (3) of section thirty-four of this Act to compensation under Part III of this Act shall be construed as including a reference to compensation payable under this section.

Land ripe for
development
before the
appointed day.

80.—(1) Where planning permission is granted under Part III of this Act in respect of any development consisting of the erection, extension or alteration of buildings, or is deemed by virtue of section seventy-seven of this Act to be so granted, then if the Minister is satisfied, on application made to him within one year after the appointed day or within such extended period as the Minister may in any particular case allow—

- (a) that the development values of interests in the land, as required to be ascertained in accordance with the provisions of Part VI of this Act and without regard to the provisions of this section would be wholly or mainly attributable to the prospects of that development at the appointed day; and
- (b) that a building contract made in relation to that development within the period of ten years before the seventh day of January, nineteen hundred and forty-seven, was in force on the appointed day, or that a byelaw submission or a building application had been made in respect thereof within that period,

he shall certify accordingly:

Provided that if it appears to the Minister that proceedings should be taken with a view to the revocation of the permission granted or deemed to be granted as aforesaid, he may postpone the issue of a certificate pending the taking of such proceedings, and if the permission is revoked he shall not be required to issue the certificate.

(2) Where a certificate is issued under this section, then—

- (a) in calculating for the purpose of Part VI of this Act the development value of any interest in the land to which the certificate relates, no account shall be taken of any value attributable to the prospects of the development specified in the certificate; and
- (b) no development charge shall be payable under Part VII of this Act in respect of that development if carried out within such period, if any, as may be prescribed by the certificate.

(3) For the purposes of this section

- (a) the expression “building contract”, in relation to any development, means a contract made between a person for the time being interested in the land and any other person, under which that other person

undertakes to carry out the whole or substantially the whole of the building operations to be carried out in the course of that development;

PART VIII.
—*cont.*

- (b) the expression "byelaw submission", in relation to any development, means the submission by a person for the time being interested in the land of plans of the buildings proposed to be erected, extended or altered in the course of the development to the proper local or other authority in order to comply with the requirements of any byelaws or other enactment requiring plans to be so submitted, and
- (c) the expression "building application" in relation to any development means an application including such plans as aforesaid and made by any such person as aforesaid to a local or other authority under the Town and Country Planning Acts, 1932 and 1943, or under any byelaws or other enactment requiring the consent of that authority to be obtained for the construction, extension or alteration of buildings.

81.—(1) In relation to development consisting of the winning and working of minerals, the provisions of this Act shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury. Mineral workings.

(2) Without prejudice to the generality of the foregoing provision, any such regulations as aforesaid may provide for securing—

- (a) that in the case of such land as may be prescribed by or under the regulations, no development charge shall be payable under Part VII of this Act in respect of the winning and working of any minerals in the land during a period of three years after the appointed day;
- (b) that the restricted and the unrestricted values of any interest in such land as is mentioned in the foregoing paragraph shall be calculated for the purposes of Part VI of this Act as if any operations carried out for the winning and working of minerals during the said period of three years had been carried out before the appointed day;
- (c) that the amount of any development charge payable under Part VII of this Act in respect of the winning and working of minerals in accordance with planning permission granted or deemed to have been granted

PART VIII.
—*cont.*

under Part III of this Act shall be calculated by reference to the amount of minerals got from time to time in accordance with such permission.

(3) Regulations made for the purposes of this section shall provide for securing—

- (a) that where a development charge is payable under Part VII of this Act in respect of the winning and working of minerals comprised in a mining lease which was in force on the appointed day, the royalty or other payment required to be made under the lease may be varied, by such tribunal as may be prescribed by the regulations, so far as may be just having regard to the amount of the charge;
- (b) that where a development charge is payable under the said Part VII in respect of the winning and working of minerals authorised by an order made under Part I of the Mines (Working Facilities and Support) Act, 1923, the provisions of the order may be varied by the Railway and Canal Commission so far as may be just having regard to the amount of the charge.

13 & 14 Geo. 5.
c. 20.

(4) Where a development plan provides that any land is to be used for the purpose of securing the winning and working of any minerals comprised therein, then, without prejudice to the powers conferred by Part IV of this Act in relation to land designated by such a plan as subject to compulsory acquisition, the provisions of the Mines (Working Facilities and Support) Act, 1923, shall have effect in relation to the land subject to such modifications as may be prescribed by regulations made under this Act by the Minister and the Minister of Fuel and Power, and such regulations may in particular provide for securing—

- (a) that a right to work any minerals in the land may be granted by the Railway and Canal Commission under the said Act to any person who is desirous of working them, either by himself or through his lessees, and who is unable to obtain the necessary rights by agreement on reasonable terms;
- (b) that for the purposes of the determination by the Commission of an application for any such right, it shall be assumed that the winning and working of the minerals is expedient in the national interest; and
- (c) that the compensation or consideration in respect of any such right which is granted by the Commission shall be assessed having regard to the amount of

the compensation which would be payable in respect of a compulsory acquisition of the minerals under Part IV of this Act.

PART VIII.
—cont.

(5) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(6) The provisions of this section and of any regulations made thereunder shall not apply to the winning and working of any such minerals as are mentioned in paragraph 5 of the Third Schedule to this Act, or to the winning and working of any minerals vested in the National Coal Board, and nothing in this section shall be construed as affecting the prerogative right of His Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

82.—(1) This section applies to land for the time being held by a local authority for the purposes of any of their functions as such, not being—

Land held by
local
authorities for
general
statutory
purposes

- (a) land to which the next following section applies;
- (b) land held by the local authority for the purpose of any statutory undertaking carried on by them; or
- (c) land of any class excepted from the provisions of this section by regulations made under this Act.

(2) No payment shall be made under Part VI of this Act to a local authority in respect of any interest in land which, on the appointed day, is land to which this section applies.

(3) In the case of land which, on the appointed day, was land to which this section applies, no development charge shall be payable under Part VII of this Act in respect of any operations carried out on the land, or in respect of any use of the land, while the land remains land to which this section applies.

(4) If by reason of an appropriation, sale or lease, any land which on the appointed day was land to which this section applies ceases to be such land, no development charge shall be payable under the said Part VII in respect of any development of the land for which planning permission had been granted under Part III of this Act at the time of the appropriation, sale or lease.

(5) Where any land to which this section applies is compulsorily acquired under this or any other Act, in pursuance of a notice to treat served on or after the appointed day, then, in assessing the compensation payable in respect of the acquisition, it shall be assumed—

- (a) that planning permission would be granted under Part III of this Act for any development by virtue of

PART VIII.
—cont.

which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and

- (b) that no development charge would be payable under Part VII of this Act in respect of any such development.

Land acquired by local authorities and development corporations for comprehensive development or re-development.

83.—(1) No payment shall be made under Part VI of this Act in respect of any interest in land, being—

- (a) the interest of a local authority in land acquired or appropriated by that authority under Part I of the Act of 1944 for the purposes of the development or re-development of any area as a whole; or
- (b) the interest of a development corporation in land acquired by the corporation under the New Towns Act, 1946;

and where a local authority or a development corporation have before the appointed day disposed of an interest in any such land, no payment shall be made under the said Part VI in respect of that interest.

(2) No development charge shall be payable under Part VII of this Act in respect of the following operations or uses of land, that is to say:—

- (a) any operations carried out by a local authority on any such land as is mentioned in paragraph (a) of the foregoing subsection or on any land acquired or appropriated by that authority under Part IV of this Act for the purposes of the development or re-development of any area as a whole, or any use by a local authority of any such land as aforesaid;
- (b) any operations carried out by a development corporation on land acquired by the corporation under the New Towns Act, 1946, whether before or after the appointed day, or any use by a development corporation of any such land;

and where any such land as aforesaid has been disposed of by the local authority or development corporation, whether before or after the appointed day, no development charge shall be payable as aforesaid in respect of the carrying out of any operations on the land or the institution of any use of the land, for which planning permission under Part III of this Act had been granted at the time of the disposal or, in the case of land disposed of before the appointed day, in respect of the carrying out of any operations on the land or the institution of any use of the land carried out or instituted in accordance with the terms of the instrument by which the land was disposed of.

(3) In respect of any such operations or uses of land as are mentioned in the last foregoing subsection, the local authority or development corporation shall from time to time pay to the Central Land Board such sums, if any, in lieu of development charges, as the Minister may, with the consent of the Treasury, determine:

PART VIII.
—cont.

Provided that the Minister may, with the like consent, direct the Board to repay from time to time the whole or any part of any sums so paid.

(4) Any sums received by the Central Land Board under the last foregoing subsection shall be paid into the Exchequer, and any sums required by the Central Land Board for the repayment of sums so received shall be defrayed out of moneys provided by Parliament.

84.—(1) No payment shall be made under Part VI of this Act in respect of the interest of any statutory undertakers in land which, on the appointed day, is operational land.

Operational
land of
statutory
undertakers.

(2) In the case of land which, on the appointed day, was operational land, no development charge shall be payable under Part VII of this Act in respect of any operations carried out on the land by the statutory undertakers, or in respect of any use of the land by them, while the land remains operational land.

(3) Where any land which on the appointed day was operational land ceases at any time thereafter to be operational land, no development charge shall be payable under the said Part VII in respect of—

(a) the use of that land for the purpose which prevails generally in the case of contiguous or adjacent land;

(b) the carrying out of any operations necessary for the purpose of making that use of that land,

if the use is instituted, or the operations carried out, as the case may be, within such period after the cessation as may be prescribed by regulations under this Act.

(4) Where any operational land of statutory undertakers is compulsorily acquired, under this or any other Act, in pursuance of a notice to treat served on or after the appointed day, then if the compensation payable in respect of the acquisition is assessed in accordance with section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, it shall be assumed—

(a) that planning permission would be granted under Part III of this Act for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and

PART VIII
—*cont.*

- (b) (whether or not the provisions of the last foregoing subsection are applicable to the land in question) that no development charge would be payable under Part VII of this Act in respect of any such development.

Land held on
charitable
trusts.

85.—(1) This section applies to land an interest in which is held on charitable trusts or for ecclesiastical or other charitable purposes of any description if the land, as distinct from the rents and profits thereof, is used in any manner (including use in a manner involving the beneficial occupation of the land by any person) for or in connection with the purposes for which the said interest is held, and not otherwise, or if the land would be so used but for the occurrence of war damage or but for the fact that the land is for the time being requisitioned land.

(2) No payment shall be made under Part VI of this Act in respect of any such interest as aforesaid in land which, on the appointed day, is land to which this section applies; and no development charge shall be payable under Part VII of this Act in respect of any operations carried out on such land by the person entitled to any such interest for or in connection with the purposes for which that interest is held or in respect of any use of the land by that person for those purposes.

(3) Where any land which, on the appointed day, was land to which this section applies ceases at any time thereafter to be such land, no development charge shall be payable under Part VII of this Act in respect of any development by virtue of which the use of the land is made to correspond with the use which prevails generally in the case of contiguous or adjacent land, if planning permission for that development has been granted under Part III of this Act before the land ceases to be land to which this section applies.

(4) Where any such interest as is mentioned in subsection (1) of this section in land to which this section applies is compulsorily acquired under this or any other Act in pursuance of a notice to treat served on or after the appointed day, then if—

(a) the land was land to which this section applies on the appointed day; or

(b) the land is being used at the time of the notice to treat for a purpose of such a nature that there is no general demand or market for land for that purpose,

it shall be assumed, in assessing the compensation payable in respect of the acquisition of the said interest, that planning permission would be granted under Part III of this Act for any development by virtue of which the use of the land would

be made to correspond with the use which prevails generally in the case of contiguous or adjacent land, and that no development charge would be payable under Part VII of this Act in respect of any such development.

PART VIII.
—*cont.*

(5) If, upon application made to him at any time within three years after the appointed day, the Minister is satisfied—

(a) that any interest in land was held on that day on charitable trusts or for ecclesiastical or other charitable purposes of any description, but that the land was not then used in any such manner as is mentioned in subsection (1) of this section; and

(b) that it is reasonable, having regard to any proposals for its future use, that the land should be treated for the purposes of this section as if it had been so used,

he may, if he thinks fit, direct that the foregoing provisions of this section shall have effect in relation to the land, so long as that interest is so held, as if the land was land to which this section applies and had been such land on the appointed day:

Provided that subsection (3) of this section shall not apply by virtue of any such direction if the interest in question ceases to be held on charitable trusts or for ecclesiastical or other charitable purposes before the land has been actually used in the manner aforesaid.

(6) For the purposes of subsection (1) of this section any interest in land which is held by the National Trust shall be deemed to be used for the purposes for which that interest is held, and not otherwise, if, and only if, that interest is held by the Trust inalienably.

86. Where, on the carrying out of any development after the appointed day, any payment falls to be made to a local authority by virtue of the provisions of section forty-eight of this Act or of any Act passed before the passing of this Act, in respect of any works carried out (whether before or after the passing of this Act) by that authority, then—

Land subject
to claims for
betterment
under other
Acts.

(a) if the amount of any such payment is required to be calculated by reference to any increase in the value of the land in respect of which the payment is made, the amount of that increase shall be calculated as if Part VII of this Act had not been enacted;

(b) whether or not the amount of any such payment falls to be calculated as aforesaid, the payment, or the liability therefor, shall be taken into account in determining under the said Part VII whether any and if so what development charge is to be paid in respect of that development.

PART VIII.
—cont.
Crown Land.

87.—(1) In this and the next following section the expression “Crown land” means land an interest in which belongs to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a government department or is held in trust for His Majesty for the purposes of a government department.

(2) Notwithstanding any interest of the Crown in land being Crown land as defined by this section but subject to the following provisions of this section,—

(a) a development plan approved or made under Part II of this Act may include proposals relating to the use of the land and may designate the land as subject to compulsory acquisition, and any power to acquire land compulsorily under Part IV of this Act may be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown;

(b) any restrictions and powers imposed and conferred by the said Part III, shall apply and be exercisable in relation to the land, to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown, and the provisions of that Part, and of Parts VI, VII and VIII of this Act shall have effect accordingly.

(3) Except with the consent of the appropriate authority as defined by this section—

(a) no notice or order shall be served or made under section twenty-three, twenty-six, twenty-eight, twenty-nine or thirty-three of this Act (or under any of those provisions as applied by any order or regulations made under Part III of this Act) in relation to land which for the time being is Crown land;

(b) no building which is for the time being Crown land shall be included in any list compiled or approved under section thirty of this Act;

(c) no interest in land which is for the time being Crown land shall be acquired compulsorily under Part IV of this Act.

(4) No purchase notice shall be served under section nineteen of this Act in relation to any interest in Crown land unless an offer has been previously made by the owner of that interest to dispose thereof to the appropriate authority on terms that the price payable therefor shall be equal to (and shall be determined, in default of agreement, in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.

(5) No notice shall at any time be served under section twenty-three of this Act in respect of development carried out by or on behalf of the Crown after the appointed day on land which was Crown land at the time when the development was carried out.

(6) For the purposes of this and the next following section, the expression "the appropriate authority", in relation to any land, means—

- (a) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other government department having the management of the land in question;
- (b) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
- (d) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

88.—(1) The appropriate authority and the local planning authority for the district in which any Crown land is situated may make agreements for securing the use of the land, so far as may be prescribed by any such agreement, in conformity with the provisions of the development plan applicable thereto (or, during any period before such a plan has become operative with respect to the land, in conformity with the requirements of the proper planning of that district), and any such agreement may contain such consequential provisions, including provisions of a financial character, as may appear to be necessary or expedient having regard to the purposes of the agreement:

Agreements
and
arrangements
relating to
Crown land

Provided that—

- (a) an agreement made under this subsection by the Commissioners of Crown Lands or by any government department shall be of no effect unless it is approved by the Treasury; and
- (b) in considering whether to make or approve an agreement under this section relating to land belonging to a government department, or held in trust for His Majesty for the purposes of a government

PART VIII.
—*cont.*

department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

(2) In relation to land belonging to His Majesty in right of the Duchy of Lancaster, or to the Duchy of Cornwall, arrangements may be made, with the approval of the Treasury, between the appropriate authority and the Central Land Board—

(a) for the inclusion among the interests in land in respect of which payments may be made under Part VI of this Act of any interest of the Crown in the land;

(b) for the payment by the appropriate authority to the Board of such sums as may be determined in accordance with the arrangements to be appropriate in substitution for any development charge which would have become payable in respect of any development of the land under Part VII of this Act if that development had not been carried out on behalf of the Crown.

(3) Any sums received by the Central Land Board under any such arrangements as aforesaid shall be paid into the Exchequer.

(4) The purposes authorised by section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, for the application of moneys arising by any such sale of annuities standing in the name or to the account of the Duchy of Lancaster as is therein mentioned shall include the payment of any sums payable in respect of land belonging to the Duchy in accordance with arrangements made under this section.

26 & 27 Vict.
c. 49.

(5) The purposes authorised by section eight of the Duchy of Cornwall Management Act, 1863, as amended by section one of the Act of the thirty-first and thirty-second years of Queen Victoria, chapter thirty-five, for the advancement of parts of such gross sums as are therein mentioned shall include the payment of any sums payable in respect of land belonging to the Duchy of Cornwall in accordance with arrangements made as aforesaid.

Requisitioned
land.

89.—(1) For the purposes of Part VI of this Act, the development value of any interest in land which is requisitioned land on the appointed day shall be calculated as if the land had been on that day in the state in which it was immediately before the beginning of the period of requisition, and accordingly, in relation to any such interest, the second reference to the appointed day in subsection (5) of section sixty-one of this Act, and any reference to that day in the Third Schedule to this Act, shall be construed as a reference to the beginning of the period of requisition:

Provided that—

PART VIII

—*cont.*

- (a) where a payment in respect of the value of any buildings or works erected or constructed on the land during the period of requisition has been or is required to be made to a Minister by any person interested in the land in pursuance of an agreement made between them, or where any such buildings or works were otherwise erected or constructed wholly or partly at the expense of any such person, those buildings or works shall be treated for the purposes of this subsection as having been erected or constructed immediately before the beginning of the period of requisition; and
- (b) in calculating the development value of any interest in the land, such adjustment as may be appropriate shall be made in respect of any development carried out during the period of requisition, being development in respect of which compensation is payable under the Compensation (Defence) Act, 1939, or under regulations made under the Emergency Powers (Defence) Act, 1939. 2 & 3 Geo. 6.
c. 62.

(2) Where any payment falls to be made under section fifty-eight of this Act in respect of any interest in land which is requisitioned land on the appointed day, any payment in respect of the value of any works on the land made to a Minister under Part II of the Requisitioned Land and War Works Act, 1945, in pursuance of a report of the War Works Commission, may include such sum as that Commission may think just, not exceeding the amount of the payment to be made under the said section fifty-eight in respect of any increase in the value of the interest in the land which is attributable to the carrying out of the works.

(3) In this section the expression " requisitioned land " means land of which possession has been taken on behalf of His Majesty in the exercise or purported exercise of emergency powers (that is to say powers conferred by regulations made under the Emergency Powers (Defence) Act, 1939, by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, or exercisable by virtue of the prerogative of the Crown); and the expression " period of requisition " in relation to requisitioned land means the period during which possession of the land under such powers taken as aforesaid continues. 26 & 27 Vict.
c. 112.
10 & 11 Geo. 5.
c. 80.

90.—(1) Regulations made under this Act by the Minister and the Minister of Fuel and Power with the consent of the Treasury may direct that any of the provisions of this Act relating to statutory undertakers and to land of such undertakers shall apply, subject to such adaptations, modifications Property of
National Coal
Board.

PART VIII.
—*cont.*

and exceptions as may be specified in the regulations, in relation to the National Coal Board, and in relation to land (including mines) of that Board of any such class as may be specified in the regulations, as if the Board were statutory undertakers and as if the land of any class so specified were operational land within the meaning of this Act.

(2) Without prejudice to the generality of the foregoing subsection, any regulations made for the purposes of that subsection may in particular provide that any compensation payable to the National Coal Board by virtue of any of the provisions applied by those regulations, being compensation which, in the case of statutory undertakers, would be assessable in accordance with the provisions of the Fourth Schedule to the Act of 1944, shall, in lieu of being so assessed, be assessed in accordance with the provisions of the regulations.

Land in
process of
compulsory
acquisition,
etc.

91.—(1) Where any interest in land is compulsorily acquired on or after the appointed day by any authority or person in pursuance of a notice to treat served before the passing of this Act, the provisions of this Act and of any scheme made under Part VI of this Act shall apply in relation to that interest as if the purchase had been completed immediately before the appointed day.

(2) Where any interest in land is compulsorily acquired before the appointed day by any government department or local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, in pursuance of a notice to treat served after the passing of this Act, then—

- (a) the provisions of Part VI of this Act and of any scheme made thereunder shall have effect in relation to the land as if that interest had been subsisting on the appointed day with all incidents to which it was subject immediately before the date of the notice to treat, as if the land had been on the appointed day in the same state as it was immediately before the date of the notice to treat, and as if the person who was entitled thereto immediately before the date of the notice to treat had been entitled thereto on the appointed day;
- (b) except as aforesaid, no payment shall be made under the said Part VI in respect of the interest so acquired, or in respect of any interest derived therefrom; and
- (c) subject as hereinafter provided, nothing in this Part of this Act shall be construed as exempting from the payment of a development charge any operations carried out on the land by the person entitled to any such interest, or any use of the land by any such person:

Provided that paragraph (c) of this subsection shall not apply to any operations or uses of land which are exempted from the payment of a development charge by virtue of any of the provisions of section eighty-three of this Act.

PART VIII.
—cont.

(3) Where any interest in land is compulsorily acquired (whether before, on or after the appointed day) in pursuance of a notice to treat served after the passing of this Act, then—

(a) where the compensation payable in respect thereof falls to be calculated in accordance with any of the provisions of sections fifty-two to fifty-four of this Act, that provision shall apply, subject to any necessary modifications, for the purpose of calculating under Part VI of this Act the restricted and the unrestricted values of that interest;

(b) where the compensation so payable falls to be assessed in accordance with Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by subsection (2) of section fifty-six of this Act, the provisions of the said Rule (5), as so amended, shall apply, subject to any necessary modifications, for the purpose of calculating under the said Part VI the restricted value of that interest,

and any calculation of those values previously made under the said Part VI shall be adjusted accordingly.

(4) Subject as hereinafter provided, the foregoing provisions of this section shall apply where an interest in land is acquired by agreement by any authority or person who have power or could be authorised to acquire that interest compulsorily under any enactment, as they apply where an interest in land is compulsorily acquired, and in relation to any such acquisition any reference in those provisions to the service of notice to treat shall be construed as a reference to the making of the contract, and the reference in the last foregoing subsection to compensation payable in respect of the compulsory acquisition shall be construed as a reference to the compensation which would be so payable if the land were compulsorily acquired:

Provided that—

(a) the provisions of section fifty-three of this Act shall not apply for the purpose of calculating the restricted and the unrestricted values of any interest acquired as aforesaid except in the cases provided by subsection (2) of that section, or by that section as extended by subsection (1) of section fifty-five of this Act;

(b) the provisions of Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by subsection

PART VIII.
—cont.

(2) of section fifty-six of this Act, shall not apply for the purpose of calculating the restricted value of any interest acquired as aforesaid except in the cases provided by subsection (3) of the said section fifty-six; and

(c) where any interest in land is acquired as aforesaid before the appointed day in pursuance of a contract made after the passing of this Act, the contract may provide that subsections (2) and (3) of this section shall not apply.

Determination
of questions
under
Part VIII.

92.—(1) Any question whether land is land to which section eighty-two, eighty-three or eighty-five of this Act applies shall be determined by the Minister.

(2) Any question of law arising in connection with any such determination as aforesaid, being a question relating to the application of the said section eighty-five, may, if the Minister thinks fit, be referred for decision to the High Court; and any person aggrieved by the decision of the Minister on any such question of law which is not so referred may appeal from that decision to the High Court.

(3) Provision shall be made by rules of court for regulating references and appeals to the High Court under this section and those rules shall provide for limiting the time within which such appeals may be brought.

15 & 16 Geo. 5.
c. 49.

(4) So much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section.

PART IX.

FINANCES OF LOCAL AUTHORITIES.

Exchequer
grants to local
authorities in
respect of
acquisition
and clearance
of land in
re-develop-
ment areas.

93.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Minister to local authorities of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities, in the exercise of powers conferred in that behalf by this Act, in connection with the acquisition and clearing of land approved by the Minister for the purposes of the regulations, being land acquired for the re-development as a whole of areas of extensive war damage or areas of bad lay-out or obsolete development, or for the relocation of population or industry, or the replacement of open space, in the course of such redevelopment, or derelict land acquired for the purpose of bringing it into use.

PART IX.

—cont.

(2) For the purposes of this section, any expenditure incurred by a local authority before the passing of this Act, under powers in that behalf conferred by the Act of 1944, in the acquisition or clearing of any such land as is mentioned in the foregoing subsection shall be treated as incurred in the exercise of the corresponding powers conferred in that behalf by this Act, and no grant shall be payable under the Act of 1944 in respect of the acquisition or clearing of any such land.

(3) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local authorities (whether before or after the passing of this Act) for any of the purposes specified in subsection (1) of this section as if the land had been acquired for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

(4) Without prejudice to the generality of the foregoing provisions of this section, any regulations made thereunder may provide—

- (a) for the inclusion in the expenditure incurred by local authorities in the acquisition of land for any of the purposes specified in subsection (1) of this section of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);
- (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;
- (c) for the payment of such grants at different rates in respect of different parts of the period during which they are payable;
- (d) for the payment of such grants at different rates to different local authorities according to the general financial position of those authorities respectively, and to the financial burdens assumed by them respectively in respect of the matters specified in subsection (1) of this section.

PART IX.
—cont.

(5) Grants payable under regulations made for the purposes of this section shall not exceed the following amounts:—

- (a) in the case of land acquired or appropriated for the re-development as a whole of areas of extensive war damage, or for the relocation of population or industry or the replacement of open space in the course of such re-development, an amount equal to ninety per cent. of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;
- (b) in the case of any other land, an amount equal to eighty per cent. of the said annual costs.

(6) Any expenses incurred by the Minister in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.

Other
Exchequer
grants to
local
authorities.

94.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Minister to local planning authorities and other local authorities of grants of such amounts, and payable in such cases and subject to such conditions, as may be determined by or under the regulations—

- (a) in respect of expenditure incurred by those authorities in the payment of compensation under Part III or Part VIII of this Act, other than compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act, and in respect of expenditure incurred by those authorities in taking any action under section twenty-six of this Act;
- (b) in respect of loss incurred by those authorities in connection with the acquisition and clearing of land approved by the Minister for the purposes of the regulations, including land compulsorily acquired by virtue of the said section nineteen, but excluding any such land as is mentioned in subsection (1) of the last foregoing section.

(2) Paragraphs (a), (b) and (d) of subsection (4) and subsection (6) of the last foregoing section shall apply in relation to regulations made under this section and to expenses incurred by the Minister in the making of grants under such regulations as they apply in relation to regulations made under the last foregoing section and to expenses incurred by the Minister in the making of grants under those regulations.

(3) Grants payable under regulations made for the purposes of this section shall not exceed an amount equal to fifty per cent. of the amount of the expenditure or loss in respect of which the grants are made.

PART IX.
—cont.

95.—(1) It shall be a condition of the making of grants under regulations made for the purposes of section ninety-three of this Act, in respect of expenditure incurred by a local authority in connection with the acquisition and clearing of any land—

General provisions as to Exchequer grants to local authorities.

(a) that there shall have been submitted to the Minister such information as to the proposals of the local authority for the lay-out and redevelopment of the land as the Minister may require in order to enable a comparison to be made between the annual return to the authority from the carrying out of the redevelopment and the annual equivalent of the cost thereof; and

(b) that those proposals shall have been approved by the Minister with the consent of the Treasury as being likely to result in an annual return and an annual equivalent such as are mentioned in the foregoing paragraph which are reasonable in relation to one another having regard to the circumstances of the land and the requirements of a proper lay-out and redevelopment.

(2) Any approval of the Minister required for the purposes of the payment of grant under section ninety-three or section ninety-four of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Minister for securing that any negotiations for the acquisition of the land by the local authority will be carried out by the Valuation Office, and that any valuation of such land for the purposes of such acquisition or for any purposes of the regulations, will be made by that office.

(3) Subject to the foregoing provisions of this section, any regulations made for the purposes of either of the two last foregoing sections may make provision whereby the payment of grants in pursuance of the regulations is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local authorities to whom grants have been so made to comply with such requirements as may be so determined.

96.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Minister to local authorities who were interim development

Grants in respect of certain compensation paid by planning

PART IX.
—cont.
authorities
before
appointed day.

authorities for the purposes of the Act of 1932 of grants of such amounts, and payable in such cases, as may be determined by or under the regulations in respect of expenditure incurred by those authorities—

- (a) in the payment of contributions under subsection (4) of section ten of the Act of 1932 in connection with applications for permission to develop land dealt with after the eleventh day of May, nineteen hundred and forty-three;
- (b) in the payment of contributions under the said subsection (4) as applied by section four of the Town and Country Planning (Interim Development) Act, 1943, or of compensation under subsection (2) of section seven of that Act, in respect of the revocation or modification, after the date aforesaid, of any permission to develop land, whether granted before or after that date,

being contributions or compensation payable in respect of loss or damage which operated to reduce the development value on the appointed day of any interest in the land.

(2) The reference in the foregoing subsection to local authorities who were interim development authorities for the purposes of the Act of 1932 shall be construed as including a reference to local authorities being the constituent authorities of a joint committee who were such an interim development authority, and in relation to any such local authority the reference in that subsection to expenditure incurred by that authority shall be construed as a reference to expenditure incurred by the joint committee.

(3) Any expenses incurred by the Minister in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.

Power of
Ministers to
contribute
towards
compensation
paid by local
authorities.

97. Where compensation is payable by a local authority under this Act in consequence of any decision or order given or made under Part III of this Act (including compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act) then if that decision or order was given or made wholly or partly in the interest of any service which is provided by a government department and the cost of which is defrayed out of moneys provided by Parliament or out of the road fund, the Minister responsible for the administration of that service may pay to that authority, out of moneys so provided, a contribution of such amount as he may, with the consent of the Treasury, determine.

98.—(1) Any local authority and any statutory undertakers may contribute towards—

PART IX.
—*cont.*
Power of local authorities and statutory undertakers to contribute towards expenses of local planning authorities, etc.

- (a) any expenses incurred by a local planning authority in or in connection with the carrying out of a survey or the preparation of a development plan under Part II of this Act;
- (b) any expenses incurred by a local planning authority, or by the council of any county district, in or in connection with the performance of any of their functions under Part III or Part IV of this Act.

(2) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III of this Act (including any compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act), the Minister may, if it appears to him to be expedient so to do, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

(3) The provisions of the last foregoing subsection shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (2) of section twenty-six of the Act of 1944, as they apply in relation to compensation payable by such an authority in consequence of anything done under Part III of this Act, and the reference in that subsection to the proceeding giving rise to the compensation shall be construed accordingly.

(4) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.

99. The council of any county may direct that any expenses incurred by them under this Act shall be treated as expenses for special county purposes chargeable upon such part of the county as may be specified in the directions.

Expenses of county councils.

PART X.

SUPPLEMENTAL.

Supplementary provisions as to local planning authorities.

100.—(1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that an enforcement notice should be served under section twenty-three

Default powers of Minister.

PART X.
—*cont.*

of this Act, or under that section as applied by any order or regulations under Part III of this Act, or that a notice should be served under section thirty or section thirty-three of this Act, in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice, and any notice so served by the Minister shall have the like effect as a notice served by the local planning authority :

Provided that in relation to an enforcement notice so served by the Minister, section twenty-four of this Act shall have effect as if for any reference therein to the local planning authority there were substituted a reference to the Minister.

(2) If it appears to the Minister, after consultation with the local planning authority, to be expedient that any of the following orders should be made under Part III of this Act, that is to say :—

- (a) an order under section twenty-one of this Act revoking or modifying any permission to develop land;
- (b) an order under the said section twenty-one as applied by any order or regulations under Part III of this Act;
- (c) an order under section twenty-six of this Act requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed;
- (d) a tree preservation order, or an order amending or revoking a tree preservation order; or
- (e) a building preservation order, or an order amending or revoking a building preservation order,

he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order, and any order so made by the Minister shall have the like effect as if it had been made by the local planning authority and confirmed by the Minister under Part III of this Act.

(3) In relation to the making by the Minister of any order under the last foregoing subsection, the provisions of Part III of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission of such an order by the local planning authority, the confirmation thereof by the Minister, and the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make the order, to the making thereof by the Minister and to the service of copies thereof as so made.

(4) If the Minister is satisfied, after holding a local inquiry,—

(a) that the council of any county borough or county district have failed to take steps for the acquisition of any land which in the opinion of the Minister ought to be acquired by that council under section thirty-eight of this Act for the purpose of securing its use in the manner proposed by the development plan or, during the period before a development plan has become operative under this Act with respect to the area of that council, for the purpose of securing the proper planning of that area; or

(b) that any local authority have failed to carry out, on land acquired by them under the said section thirty-eight, or appropriated by them under section forty-two of this Act, any development which in the opinion of the Minister ought to be carried out;

the Minister may by order require the council or authority to take such steps as may be specified in the order for acquiring the land or carrying out the development, as the case may be.

(5) Any order under the last foregoing subsection shall be enforceable, on the application of the Minister, by mandamus.

101.—(1) Regulations under this Act may make such provision consequential on or supplementary to the provisions of section four of this Act as appears to the Minister to be necessary or expedient, and in particular, but without prejudice to the generality of this section, such regulations may provide—

Transfer of property and officers to local planning authorities under this Act.

(a) for the transfer to local planning authorities of property and liabilities of councils of county districts, being property and liabilities held or incurred for the purposes of the exercise, under the enactments relating to town and country planning in force before the appointed day, of functions corresponding with the functions of local planning authorities under this Act;

(b) for the transfer to local planning authorities, or to the constituent authorities of joint planning committees, of property and liabilities of such committees;

(c) for the transfer to local planning authorities of officers employed by councils of county districts immediately before the appointed day, being officers so employed solely or mainly for the purposes of any such functions as aforesaid, and of officers employed by joint planning committees;

(d) for enabling any proceedings pending on the appointed day with respect to any such functions as

PART X.
—*cont.*

aforesaid, or with respect to any property or liabilities transferred by virtue of the regulations, to be carried on by or against local planning authorities or the constituent authorities of joint planning committees, as the case may be;

- (e) for the making of adjustments between local planning authorities or the constituent authorities of joint planning committees, on the one hand, and the councils of county districts or joint planning committees on the other hand in relation to property and liabilities transferred by virtue of the regulations, including the making of payments by such authorities, councils and committees; and
- (f) for the determination of questions arising in relation to the matters to which the regulations relate.

(2) Regulations made for the purposes of this section shall provide for the payment of compensation, subject to such exceptions and conditions as may be prescribed by the regulations, by such authorities as may be so prescribed—

- (a) to officers who, immediately before the appointed day, were employed by local planning authorities, by the councils of county districts, and by joint planning committees, and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of this Act or of the regulations; and
- (b) to officers who, having before the appointed day been employed in any such employment as aforesaid, would have been in that employment immediately before that day but for any war service in which they have been engaged.

(3) In this section the expression “ joint planning committee ” means a joint committee appointed or constituted under the Act of 1932 or under any previous enactment relating to town planning; the expression “ officer ” includes servant; and the expression “ war service ” means service in any of His Majesty’s forces and such other employment as may be prescribed by regulations made for the purposes of this section.

General Provisions.

Applications for planning permission, determination of development charges, etc.

102.—(1) An application to a local planning authority for planning permission under Part III of this Act, and an application to the Central Land Board for the making or confirmation of any determination under Part VII of this Act, shall be made in such manner as may be prescribed by regulations

under this Act and shall include such particulars and shall be verified by such evidence as may be required by the regulations or by any directions given by the local planning authority or the Board thereunder.

PART X.
—cont.

(2) Subject to the following provisions of this section, regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed by the regulations, of—

- (a) an application for planning permission in respect of any development;
- (b) an application for a determination of the Central Land Board in respect of that development;
- (c) any submission or application required to be made to a local authority in respect of that development under any enactment specified in the regulations.

(3) Any regulations made for the purposes of this section which relate to any such application or submission as is mentioned in paragraph (c) of the last foregoing subsection shall be made by the Minister and the Minister of Health, after consultation with such local authorities or associations of local authorities as appear to them to be concerned; and different provision may be made by such regulations in relation to areas in which different enactments are in force.

(4) An application or submission required to be made to a local authority under any enactment specified in such regulations as aforesaid shall, if made in accordance with the provisions of the regulations, be deemed to be valid notwithstanding anything in that enactment prescribing or enabling any authority to prescribe the form in which or the manner in which such an application or submission is to be made, but without prejudice to the validity of any application or submission made in accordance with that enactment, and without prejudice to any provision of that enactment enabling any such authority to require further particulars of the matters to which the application or submission relates.

103.—(1) Any person duly authorised in writing by the Powers of Minister or by a local planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it in connection with—

- (a) the preparation, approval, making or amendment of a development plan relating to the land under Part II of this Act, including the carrying out of any survey under the said Part II;

PART X
—cont.

- (b) any application under Part III of this Act, or under any order or regulations made thereunder, for any permission, consent or determination to be given or effected in relation to that or any other land under the said Part III or under any such order or regulations;
- (c) any proposal by the local planning authority or by the Minister to serve or make any notice or order under the said Part III or under any such order or regulations as aforesaid;

and any person being an officer of the Valuation Office or a person duly authorised in writing by a local planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any claim for compensation payable by that authority in respect of that or any other land under Part III or Part VIII of this Act.

(2) Any officer of the Valuation Office, or any person duly authorised in writing by a Minister having power to acquire land designated by a development plan under this Act as subject to compulsory acquisition, or to authorise the acquisition of land so designated, and any person being an officer of the Central Land Board or a person duly authorised in writing by a local authority having power to acquire land under Part IV of this Act, may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any proposal to acquire that or any other land or in connection with any claim for compensation in respect of any such acquisition.

(3) Any officer of the Valuation Office or of the Central Land Board may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with—

- (a) any claim for a payment in respect of that or any other land under Part VI of this Act;
- (b) any determination of the Board in respect of that or any other land under Part VII of this Act.

(4) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(5) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

(6) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or work-place discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(7) Where any land is damaged in the exercise of a power of entry conferred under this section, or in the making of any survey for the purpose of which any such power of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Minister, Board or authority on whose behalf the entry was effected.

(8) Any expenses incurred by a Minister or the Central Land Board under the last foregoing subsection shall be defrayed out of moneys provided by Parliament.

(9) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention so to do has been included in the notice required by subsection (4) of this section, and if the land in question is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

104. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section. Local inquiries

PART X.

—cont.

Service of notices.

105.—(1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if—

- (a) being addressed to him either by name or by the description of "the owner" or "the occupier", as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of the last foregoing subsection; or
- (b) being addressed as aforesaid and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent in a prepaid registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document that any part of that land

is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished that authority with an address for the service of the notice on him) if it is addressed to "the owners and any occupiers" of that part of the land (describing it), and is affixed conspicuously to some object on the land.

PART X.
—cont.

106. The Minister, the Central Land Board or a local authority may, for the purpose of enabling them to make any order or serve any notice or other document which they are by this Act authorised or required to make or serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise; and any person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Power to
require
information
as to
ownership
of land.

107.—(1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, with respect to notices served under that Act, where under this Act any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

Provisions as to
Ecclesiastical
property.

(2) Where the fee simple in any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory purchase of the property under Part IV of this Act as being vested in the Ecclesiastical Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.

(3) Any compensation payable under Part III or Part VIII of this Act in respect of land which is ecclesiastical property, and any payment falling to be made in respect of such land under Part VI of this Act, shall be paid to the Ecclesiastical Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

(4) Where a development charge is payable under Part VII of this Act in respect of land which is ecclesiastical property, the Ecclesiastical Commissioners may apply any money or securities held by them in the payment of that charge.

PART X.
—cont.

(5) In this section the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Expenses of
tribunals, etc.

108.—(1) The Minister may pay to the chairman and members of any tribunal established for the purposes of this Act, or of regulations made thereunder, such remuneration (whether by way of salaries or by way of fees) and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.

(2) Any expenditure incurred by the Minister under the last foregoing subsection, or in the payment of the expenses of any committee established under section thirty-one of this Act, shall be defrayed out of moneys provided by Parliament.

Expenses of
Ministers.

109. There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by a Minister in the acquisition of land under Part IV of this Act, other than expenses so incurred which are required to be defrayed out of the road fund;
- (b) any sums payable into the road fund for the purpose of defraying expenses of the Minister of Transport under this Act;
- (c) any sums authorised or required to be paid out of moneys provided by Parliament by virtue of any of the provisions of the Act of 1944 incorporated with Part IV of this Act;
- (d) any administrative expenses incurred by the Minister for the purposes of this Act.

Determination
of disputes as
to compensa-
tion, etc.

110.—(1) Except so far as otherwise provided by this Act or by any regulations or order made thereunder, any question of disputed compensation under this Act (other than compensation payable in respect of the compulsory acquisition of land) shall be determined in the same manner as compensation on the acquisition of land falls to be determined under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections one, three, five, six and eight of that Act shall accordingly have effect subject to any necessary modifications and to the provisions of any such regulations as aforesaid.

(2) Any dispute arising under any provisions of this Act in relation to any land as to what is the use which

prevails generally in the case of contiguous or adjacent land shall, if application in that behalf is made by any party to the dispute within such time and in such manner as may be prescribed by regulations made under this Act, be referred to and determined by the Central Land Board.

PART X.
—*cont.*

(3) Any party to any such dispute as aforesaid who is dissatisfied with the determination of the Central Land Board may, within such time and in such manner as may be prescribed by regulations made under this Act, appeal to the Minister, whose decision shall be final.

111.—(1) The Minister may make regulations under this **Regulations and orders.**
Act—

(a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority;

(b) for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which such regulations are authorised or required to be made by any other Minister, and in particular for prescribing anything which by this Act is required or authorised to be prescribed by regulations.

(2) Any regulations made under this Act (other than regulations which, by virtue of any provision of this Act, are of no effect unless they are approved by resolution of each House of Parliament) shall be laid before Parliament immediately after they are made, and if either House, within the period of forty days after the regulations are so laid before it, resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

(3) In reckoning for the purpose of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) Any power to make an order conferred by this Act shall include power to amend or revoke that order by a subsequent order:

Provided that an order made by the Minister for the purposes of paragraph 6 of the Third Schedule to this Act shall not be amended or revoked at any time after the appointed day.

PART X.
—*cont.*
56 & 57 Vict.
c. 66.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations, orders and schemes made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

**Assumptions
as to
permission for
development.**

112.—(1) For the avoidance of doubt it is hereby declared that where, under any provision of this Act, the value of any interest in land is required to be assessed on the assumption that planning permission under Part III of this Act would be granted for development of any class specified in the Third Schedule to this Act, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.

(2) For the purposes of paragraph 3 of the said Third Schedule, the erection on land within the curtilage of any such building as is mentioned in that paragraph of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and where on the appointed day any two or more buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking, the reference in the said paragraph 3 to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.

(3) Any reference in the said Third Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.

**Amendments
and repeals.**

113.—(1) Subject to the provisions of this section, the enactments specified in the first column of the Eighth Schedule to this Act shall have effect, on and after the appointed day, subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

(2) Subject to the provisions of this section, the enactments specified in the Ninth Schedule to this Act are hereby repealed in the case of enactments specified in Part I of that Schedule, as from the passing of this Act, and in the case of the enactments specified in Part II of that Schedule, as from the appointed day, to the extent specified in relation thereto in the third column of that Schedule:

Provided that the repeal by virtue of this subsection of any enactment specified in Part I of the said Ninth Schedule shall not affect the operation of that enactment in its application

to compensation in respect of land compulsorily acquired in pursuance of a notice to treat served before the date of the passing of this Act or compensation in respect of any order or direction made or given before that date.

PART X.
—*cont.*

(3) The repeal or amendment by virtue of this Act of any enactment contained in Part I or Part III of the Act of 1944 (other than an enactment specified in Part I of the Ninth Schedule to this Act) shall not affect the operation of that enactment as applied by the New Towns Act, 1946, but without prejudice to any amendment of the last-mentioned Act effected by this Act.

(4) His Majesty may by Order in Council repeal or modify so much of any local enactment in force on the appointed day as confers or imposes any such powers, prohibitions or restrictions as could be conferred or imposed by regulations made under section thirty-one of this Act:

Provided that any Order in Council made under this subsection shall be subject to special parliamentary procedure.

(5) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the provisions of the Tenth Schedule to this Act (being transitory and consequential provisions) shall have effect in relation to the repeals effected by this section. 52 & 53 Vict. c. 63.

(6) In accordance with the foregoing provisions of this section, the Act of 1944 shall, as from the appointed day, have effect as set out in the Eleventh Schedule to this Act.

114.—(1) The local planning authority for the administrative county of London shall be the London County Council. Special provisions as to London.

(2) In relation to land in the administrative county of London, sections nineteen, thirty-eight, thirty-nine and one hundred of this Act shall have effect as if for references therein to the council of the county borough or county district in which the land is situated there were substituted references—

(a) in the case of land in the City of London, to the Common Council of that City;

(b) in the case of any other land, to the London County Council,

and sections twenty-nine, thirty, forty, forty-one and ninety-eight of this Act and the Sixth and Tenth Schedules to this Act shall have effect as if any reference therein to the council of any county borough or county district included a reference to the Common Council of the City of London and to the council of any metropolitan borough.

PART X.
—cont.

(3) The power of a local planning authority to make agreements under section twenty-five of this Act may be exercised also—

- (a) in relation to land in the City of London, by the Common Council of that City; and
- (b) in relation to land in a metropolitan borough, by the council of that borough with the consent of the London County Council,

and references in that section to a local planning authority shall be construed accordingly.

(4) The council of a metropolitan borough shall not, except with the consent of the London County Council, be authorised to acquire land compulsorily under subsection (3) of section thirty-eight of this Act.

(5) Without prejudice to the powers conferred by section thirty-seven of this Act, or by section thirty-eight of this Act as modified by the last foregoing subsection, if the Minister of Health is satisfied that it is expedient in the public interest that any land within a metropolitan borough (whether designated by a development plan as subject to compulsory acquisition or not) should be acquired by the council of that borough for the purpose of providing a public open space, he may authorise that council to acquire that land compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, except section two of that Act, shall apply to the compulsory acquisition of land under this subsection as if this subsection had been in force immediately before the commencement of that Act:

Provided that before submitting a compulsory purchase order to the Minister of Health under this subsection, the council of a metropolitan borough shall consult with the London County Council.

(6) Any reference in this Act, or in the Act of 1944 as incorporated with Part IV of this Act, to the said Part IV shall be construed as including a reference to the last foregoing subsection.

(7) In relation to land in the administrative county of London section forty-two of this Act shall have effect as if for the reference therein to section one hundred and sixty-three of the Local Government Act, 1933, there were substituted a reference to section one hundred and six of the London Government Act, 1939, and the Second Schedule to this Act shall have effect as if there were included therein a reference to section one hundred and forty of the Public Health (London) Act, 1936.

2 & 3 Geo. 6.
c. 40.

26 Geo. 5. &
1 Edw. 8. c. 50.

(8) For the purposes of section forty-eight of this Act the appropriate council, in relation to land in the administrative county of London, shall be—

PART X.
—cont.

(a) in the case of land in the City of London, the Common Council of that City;

(b) in the case of any other land, the council of the metropolitan borough in which the land is situated, and in relation to any such land the said section forty-eight shall have effect as if for references therein to the Public Health Act, 1875, and sections one hundred and fifty and one hundred and fifty-one of that Act there were substituted, in the case of land in the City of London, references to the City of London Sewers Acts, 1848 to 1897, and to sections one hundred and twenty-six to one hundred and twenty-eight of the City of London Sewers Act, 1848, and in the case of any other land references to the Metropolis Management Acts, 1855 to 1893, and to section one hundred and five of the Metropolis Management Act, 1855, section seventy-seven of the Metropolis Management Amendment Act, 1862, and the Metropolis Management Act, 1862, Amendment Act, 1890.

11 & 12 Vict.
c. clxiii.

18 & 19 Vict.
c. 120.

25 & 26 Vict.
c. 102.

53 & 54 Vict.
c. 54.

(g) References in section one hundred and one of this Act to the council of a county district shall be construed as including references to the Common Council of the City of London.

(10) In relation to land in the City of London, the London County Council may delegate to the Common Council of the City any of their functions under regulations made under section thirty-one of this Act with respect to the control of advertisements, and shall delegate to that Council, in accordance with regulations made under this Act, such of their functions in relation to applications for planning permission under Part III of this Act as may be prescribed by the regulations; and regulations made for the purposes of this subsection may make provision for any matters for which provision may be made by regulations made for the purposes of section thirty-four of this Act.

(11) Without prejudice to the provisions of the last foregoing subsection, the London County Council shall—

(a) before submitting to the Minister a development plan relating to land in the City of London, or proposals for alterations or additions to any such plan;

(b) before determining any application for planning permission relating to such land; and

(c) before making a tree preservation order or building preservation order affecting any such land,

consult with the Common Council of the City.

(12) In relation to land in any metropolitan borough, the London County Council may delegate to the council of that

PART X.
—cont.

borough any of their functions under regulations made under section thirty-one of this Act with respect to the control of advertisements, and shall—

- (a) before submitting to the Minister a development plan relating to any such land, or proposals for alterations or additions to such a plan;
- (b) before determining any application for planning permission for the development of any such land, being an application of any such class as may be prescribed by the development order;
- (c) before making a tree preservation order or a building preservation order affecting any such land,

consult with the council of that borough.

(13) The class of applications for planning permission prescribed by a development order for the purposes of paragraph (b) of the last foregoing subsection shall be such class as appears to the Minister to involve matters of principle; and where an application of any class so prescribed is referred to the Minister for determination in pursuance of directions given by him under section fifteen of this Act, the London County Council shall give notice to that effect to the council of the metropolitan borough in which the land to which the application relates is situated, and the Minister shall, in dealing with the application, take into account any representations made to the London County Council by the council of that borough.

(14) The Common Council of the City of London may borrow money for the purposes of this Act under the City of London Sewers Acts, 1848 to 1897, and any expenses incurred by that Council under this Act shall be defrayed as part of their general expenses.

**Application
to Isles of
Scilly.**

115. The Minister shall, after consultation with the council of the Isles of Scilly, by order provide for the application of this Act to the Isles of Scilly as if those Isles were a separate county, and any such order may provide for the application of this Act to those Isles subject to such modifications as may be specified in the order.

**Exercise of
functions of
Board of
Trade.**

116. Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

**Saving for
Postmaster
General.**

117.—(1) Subject to the provisions of this section, and to the provisions of subsection (4) of section twenty-three of the Act of 1944 as applied by this Act, nothing in this Act or in any order or regulations made thereunder shall affect any

powers or duties of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1943, or apply to any telegraphic lines placed or maintained by virtue of any of those provisions.

(2) Where in pursuance of an order made by the Minister of Transport under section forty-nine of this Act any highway is stopped up or diverted and, immediately before the date on which the order became operative, there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the order had not become operative:

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

(3) Where any order made under the said section forty-nine provides for the improvement of any highway, not being a trunk road, and, immediately before the date on which the order became operative, there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section seven shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local highway authority.

(4) In this section the expressions "alter" and "telegraphic line" have the same meanings as in the Telegraph Act, 1878.

118.—(1) For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of this Act, or by any local Act passed at any time during the present Session of Parliament, for authorising or regulating any development of the land.

Application
to land
regulated by
special
enactments.

(2) Without prejudice to the generality of the foregoing provision, references in any enactment contained in a local Act (including any such Act passed as aforesaid) to Part II of the Town and Country Planning Act, 1944, shall be construed—

(a) in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a

PART X.
—*cont.*

notice to treat served before the passing of this Act, as a reference to the said Part II as amended by this Act;

- (b) in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a notice to treat served after the passing of this Act, as a reference to Part V of this Act:

Provided that no such enactment shall, by virtue of this subsection, be construed as excluding the application of the said Part V in relation to compensation payable in respect of any compulsory acquisition of land.

Interpretation. 119.—(1) In this Act, except so far as the contrary is provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

22 & 23 Geo. 5.
c. 48.

“ Act of 1932 ” means the Town and Country Planning Act, 1932;

7 & 8 Geo. 6.
c. 47.

“ Act of 1944 ” means the Town and Country Planning Act, 1944;

“ advertisement ” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“ agriculture ” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “ agricultural ” shall be construed accordingly;

“ appointed day ” means such day as the Minister may by order appoint;

“ appropriate Minister ”, means—

(a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Fuel and Power;

(b) in relation to statutory undertakers carrying on an undertaking for the supply of water, the Minister of Health; and

(c) in relation to any other statutory undertakers as defined by this Act, the Minister of Transport;

“ area of extensive war damage ” and “ area of bad lay-out or obsolete development ” mean an area consisting of land shown to the satisfaction of the Minister to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, or consisting of such land together with other land contiguous or adjacent thereto, being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development;

“ building ” includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

“ buildings or works ” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

“ building operations ” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“ building preservation order ” has the meaning assigned to it by section twenty-nine of this Act;

“ clearing ”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed by regulations made for the purposes of this Act;

“ common ”, “ open space ” and “ fuel or field garden allotment ” have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946;

“ Consolidated Fund ” means the Consolidated Fund of the United Kingdom, and includes the growing produce thereof;

“ development ” has the meaning assigned to it by section twelve of this Act, and “ develop ” shall be construed accordingly;

“ development order ” has the meaning assigned thereto by section thirteen of this Act;

PART X.
—*cont.*

- “ development plan ” has the meaning assigned to it by section five of this Act, and includes a plan made under subsection (5) of that section;
- “ enactment ” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;
- “ engineering operations ” includes the formation or laying out of means of access to highways;
- “ erection ” in relation to buildings includes extension, alteration and re-erection;
- “ functions ” includes powers and duties;
- “ government department ” includes the Electricity Commissioners;
- “ improvement ”, in relation to a highway, has the same meaning as the expression “ improvement of roads ” has in Part II of the Development and Road Improvement Funds Act, 1909;
- “ industrial building ” has the same meaning as in the Distribution of Industry Act, 1945;
- “ interim development authority ” means a council or joint committee empowered by an interim development order to permit the development of land;
- “ interim development order ” means an order made under subsection (1) of section ten of the Act of 1932;
- “ land ” means any corporeal hereditament, including a building as defined by this section, and in relation to the acquisition of land under Part IV of this Act includes any interest or right in or over land;
- “ lease ” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “ leasehold interest ” means the interest of the tenant under a lease as so defined;
- “ local authority ” means the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;
- “ local highway authority ” means a highway authority other than the Minister of Transport;
- “ local planning authority ” has the meaning assigned to it by section four of this Act;
- “ means of access ” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

8 & 9 Geo. 6.
c. 3638 & 39 Vict
c. 83.

PART X.
—cont.

- “minerals” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working: provided that it shall not include peat cut for purposes other than sale;
- “mining lease” means a lease, underlease, tenancy or licence (whether personal or by way of profit à prendre) conferring a right to win or work minerals;
- “Minister” includes the Treasury, the Admiralty, the Board of Trade and any other government department;
- “the Minister” has the meaning assigned to it by section one of this Act;
- “mortgage” includes any charge or lien on any property for securing money or moneys worth;
- “National Coal Board” means the National Coal Board established under the Coal Industry Nationalisation Act, 1946; 9 & 10 Geo. 6.
c. 59.
- “National Trust” means The National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907; 7 Edw. 7.
c. cxxxvi.
- “operational land”, in relation to any statutory undertakers, means land which is used for the purpose of carrying on the undertakings of those undertakers and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;
- “owner”, in relation to any land, means, except in Part VI of this Act, a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let, and, in Part VI of this Act, has the meaning assigned to it by section sixty-four of this Act;
- “permission granted for a limited period only” has the meaning assigned to it by section fourteen of this Act;
- “planning permission” means the permission for development which is required by virtue of section twelve of this Act;
- “planning scheme” means a scheme under the Act of 1932 or any enactment repealed by that Act;

PART X
—cont.

- “ purchase notice ” has the meaning assigned to it by section nineteen of this Act;
- “ relocation of population or industry ” means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering available elsewhere than in that area, whether in an existing community or a community to be newly established, of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;
- “ replacement of open space ” means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering of land available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used;
- “ requisitioned land ”, and “ period of requisition ”, have the meanings assigned to them by section eighty-nine of this Act;
- “ statutory undertakers ” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “ statutory undertaking ” shall be construed accordingly;
- “ tree preservation order ” has the meaning assigned to it by section twenty-eight of this Act;
- “ use ”, in relation to land, does not include the use of land by the carrying out of any building or other operations thereon;
- “ Valuation Office ” means the Valuation Office of the Inland Revenue Department;
- “ war damage ” has the same meaning as in the War Damage Act, 1943.

(2) If any question arises, in relation to anything required or authorised to be done under this Act, which Minister was

or is the appropriate Minister as defined by this section in relation to any statutory undertakers, that question shall be determined by the Treasury, and if any question so arises whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

PART X.
—*cont.*

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to the Act of 1944, or of any other enactment, is to be deemed to be served.

(4) Any reference in this Act to the compensation payable in respect of the compulsory acquisition of land shall be construed as including a reference to compensation to be estimated, in connection with the acquisition, for damage sustained by reason of the severing of the land from other land held therewith or otherwise injuriously affecting such other land, and compensation to be so estimated for disturbance or any other matter not directly based on the value of the land.

(5) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

120.—(1) This Act may be cited as the Town and Country Planning Act, 1947.

Short title,
commence-
ment and
extent.

(2) This Act shall come into force on the appointed day:

Provided that—

- (a) sections two and three of this Act; and
- (b) subsection (2) of section thirty-seven of this Act and subsection (2) of section thirty-eight of this Act, and any other provisions of Part IV of this Act which relate to the acquisition of land under either of those subsections; and
- (c) Part V of this Act, so much of section ninety-one of this Act as relates to land acquired before the appointed day, subsection (2) of section one hundred and thirteen of this Act so far as it relates to Part I of the Ninth Schedule to this Act, and Part I of the said Ninth Schedule;

shall come into force on the date of the passing of this Act.

(3) This Act (except section two and subsection (2) of section fifty-eight thereof) shall not extend to Scotland.

(4) This Act shall not extend to Northern Ireland.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

LOCAL ADMINISTRATION.

PART I.

JOINT PLANNING BOARDS.

1. A joint planning board constituted by an order made under section four of this Act shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.

2. A joint planning board so constituted shall be a body corporate, with perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.

3. An order constituting a joint planning board and any order amending or revoking any order constituting a joint planning board—

- (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board and for the payment of the expenses of the board by the constituent councils;
- (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities;
- (c) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions; and
- (d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of Parts II and III of this Schedule.

PART II.

PLANNING COMMITTEES.

4. A local planning authority may establish such planning committees as they think it expedient to establish for the efficient discharge of their functions as a local planning authority, and may authorise any such committee to exercise on their behalf any of those functions, except the power to borrow money or to levy or issue a precept for a rate.

5. A planning committee of a local planning authority may, subject to any restrictions imposed by the local planning authority,—

- (a) appoint such sub-committees constituted in such manner as the committee may determine ; and
- (b) authorise any such sub-committee to exercise any of the functions of the committee on their behalf.

6. A majority of every planning committee of a local planning authority shall be members of the authority, and a majority of every sub-committee of any such committee shall be members either of the local planning authority or of the councils of county districts comprised in the area of that authority.

7. Any power conferred by this Part of this Schedule to establish or appoint committees or sub-committees, or to authorise such committees or sub-committees to exercise any functions, shall include power to dissolve or alter the constitution of such committees or sub-committees, and to revoke or vary any such authorisation.

PART III.

JOINT ADVISORY COMMITTEES.

8. Any two or more local planning authorities may, with the approval of the Minister, concur in establishing a joint advisory committee for the purpose of advising those authorities as to the preparation of development plans and generally as to the planning of development in their areas ; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established :

Provided that a majority of the members of any such committee shall be members of one or other of those authorities.

9. If it appears to the Minister to be expedient that a joint advisory committee of any two or more local planning authorities should be established in accordance with the last foregoing paragraph, he may, after consultation with those authorities, by order establish such a committee, and any such order may—

- (a) provide for the reference to the committee of such matters as may be specified in the order ;
- (b) make such incidental and consequential provisions (including provision for the payment of expenses of the committee and the transfer and compensation of officers) as appear to the Minister to be expedient.

10. Any power conferred by this Part of this Schedule to establish committees or to authorise such committees to exercise any functions shall include power to dissolve or alter the constitution of such committees, and to revoke or vary any such authorisation.

11. The provisions of this Part of this Schedule shall be in addition to and not in substitution for the provisions of the Local Government Act, 1933, with respect to the appointment by local authorities of joint committees.

1ST SCH.
—cont.

Section 13.

SECOND SCHEDULE.

EXCEPTED ENACTMENTS FOR THE PURPOSES OF SECTION 13.

51 & 52 Vict.

c. 52.

15 & 16 Geo. 5.

c. 71.

15 & 16 Geo. 5.

c. 68.

The Public Health (Buildings in Streets) Act, 1888 ;

Sections thirty to thirty-four of the Public Health Act, 1925 ;

Section five of the Roads Improvement Act, 1925 ;

Section one hundred and seven of the Public Health Act, 1936 ;

Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a bye-law, order or regulation not requiring confirmation by Parliament ;

Any enactment which has been previously excluded or modified by any development order, and any enactment having substantially the same effect as any such enactment.

THIRD SCHEDULE.

Sections 20, 51,
54, 55, 61, 69,
81.

EXCEPTED CLASSES OF DEVELOPMENT.

PART I.

DEVELOPMENT INCLUDED IN EXISTING USE FOR PURPOSES OTHER THAN COMPENSATION UNDER S. 20.

1. The rebuilding, as often as occasion may require, of any building which was in existence on the appointed day and of any building which was in existence before that day but has been destroyed or demolished since the seventh day of January, nineteen hundred and thirty-seven (including the making good of war damage which has been sustained by any such building), so long as the cubic content of the original building is not exceeded in the case of a dwelling-house, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and in any other case by more than one-tenth.

2. The use as two or more separate dwelling-houses of any building which on the appointed day was used as a single dwelling-house.

PART II.

DEVELOPMENT INCLUDED IN EXISTING USE FOR ALL PURPOSES.

3. The enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in paragraph 1 of this Schedule, or any building substituted therefor by the carrying out of any such operations as are mentioned in that paragraph, so long as the cubic content of the original building is not increased or exceeded, in the case of a dwelling-house, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and in any other case by more than one-tenth.

4. The carrying out, on land which was used for the purposes of agriculture or forestry on the appointed day, of any building or other operations required for the purposes of that use, other than operations

3RD SCH.
—*cont.*

for the erection, enlargement, improvement or alteration of dwelling-houses or of buildings used for the purposes of market gardens, nursery grounds or timber yards or for other purposes not connected with general farming operations or with the cultivation or felling of trees.

5. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid,

6. In the case of a building or other land which, on the appointed day, was used for a purpose falling within any general class specified in an order made by the Minister for the purposes of this paragraph, or which, being unoccupied on the appointed day, was last used (otherwise than before the seventh day of January, nineteen hundred and thirty-seven) for any such purpose, the use of that building or land for any other purpose falling within the same general class.

7. In the case of any building or other land which, on the appointed day, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the appointed day or, as the case may be, one tenth of the area of the land so used on that day.

8. The deposit of waste materials or refuse in connection with the working of minerals, on any land comprised in a site which, on the appointed day, was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.

FOURTH SCHEDULE.

Sections 20, 22,
27.

PROVISIONS RELATING TO COMPENSATION UNDER PART III.

1. For the purpose of assessing any compensation payable under section twenty, section twenty-two or section twenty-seven of this Act, being compensation in respect of the depreciation in value of any interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which prescribes rules for the assessment of compensation by an official arbitrator), shall, so far as applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

2. Where any compensation is payable as aforesaid by virtue of any decision or order given or made before the expiration of two years from the end of the war period as defined by section forty of the Requisitioned Land and War Works Act, 1945 (in this paragraph referred to as "the Act of 1945"), Part VIII of that Act (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers)

4TH SCH.
—cont.

shall apply in relation to any such compensation as aforesaid as it applies in relation to compensation payable on the acquisition of an easement over land by virtue of Part II of the Act of 1945 :

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the Act of 1945 shall have effect as if paragraph (a) thereof were omitted.

3. Where any interest in land is subject to a mortgage—

- (a) any compensation as aforesaid which is payable in respect of the depreciation in the value of that interest shall be assessed as if the interest were not subject to the mortgage ;
- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest ;
- (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such ; and
- (d) the compensation payable in respect of the interest subject to the mortgage shall be paid by the local planning authority to the mortgagee or, where there is more than one mortgagee to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

4. Any compensation payable to any person by virtue of any order made under section twenty-six of this Act shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with that order.

Section 35.

FIFTH SCHEDULE.

SPECIAL PROVISIONS RELATING TO DEVELOPMENT BY STATUTORY UNDERTAKERS.

Applications
for permission
to develop.

1.—(1) Subject to the provisions of this Schedule, where an application for planning permission to develop operational land, made by the person carrying on a statutory undertaking, is referred to the Minister under Part III of this Act in pursuance of directions given by the Minister, or where an appeal is made to the Minister under that Part from the decision of the local planning authority on such an application, the application or appeal shall be dealt with by the Minister and the appropriate Minister.

(2) Where, upon any such application or appeal, the Minister and the appropriate Minister propose to refuse permission or to grant permission subject to conditions, they shall notify to the person carrying on the undertaking the decision which they propose to give, and if within twenty-eight days from the date on which he receives the notification that person makes application to the appropriate Minister in that behalf, the decision shall be embodied in an order made by the Minister and the appropriate Minister, and any such order shall be subject to special parliamentary procedure.

(3) In respect of any decision given under this paragraph refusing permission to develop operational land, or granting such permission subject to conditions, the person carrying on the statutory undertaking shall be entitled to recover compensation from the local planning authority in accordance with the Fourth Schedule to the Act of 1944 :

Provided that if the Minister and the appropriate Minister are satisfied, in the case of land acquired by the undertakers after the seventh day of January, nineteen hundred and forty-seven, that it is unreasonable, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that compensation should be so recovered in respect of the decision, they may include therein a direction that the foregoing provisions of this sub-paragraph shall not apply in relation to that decision.

5TH SCH.
—cont.

(4) Notwithstanding anything in Part III of this Act, planning permission to develop operational land shall not except with the consent of the undertakers be granted subject to conditions requiring that any buildings or works authorised by the permission shall be removed, or that any use of the land so authorised shall be discontinued, at the expiration of a specified period.

(5) The provisions of this Act shall apply to an application which is dealt with under this paragraph by the Minister and the appropriate Minister as if it had been dealt with by the Minister.

(6) For the avoidance of doubt it is hereby declared that for the purposes of the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made by the Minister and the appropriate Minister under this paragraph, the requirements imposed by this Act with respect to the consideration of any such application or appeal as is mentioned in sub-paragraph (1) of this paragraph are to be deemed to be requirements with respect to proceedings preliminary to the making of the order within the meaning of section two of the said Statutory Orders (Special Procedure) Act, 1945.

2.—(1) Where, under the enactments regulating the carrying on of a statutory undertaking, the authorisation of any government department is required in respect of any development of operational land, then—

Special provisions as to development requiring government authorisation.

(a) if that department decides to refuse that authorisation on the ground only that planning permission ought not to be granted for the development under Part III of this Act, or to grant that authorisation and direct that such permission shall be deemed to be granted subject to conditions other than conditions imposed as part of the authorisation, sub-paragraphs (2) and (3) of paragraph 1 of this Schedule shall apply, subject to any necessary modifications, in relation to that decision and to any proposal by the department to give that decision as they apply in relation to a decision, or a proposed decision, of the Minister and the appropriate Minister under that paragraph;

(b) except where that authorisation has been granted without any direction as to the grant of planning permission, the Minister and the appropriate Minister shall not be required to deal with an application for such permission under sub-paragraph (1) of the said paragraph 1.

(2) Notwithstanding anything in the proviso to sub-paragraph (3) of the said paragraph 1, no direction shall be given thereunder for the exclusion of the payment of compensation in respect of a decision relating to the development of land of any statutory undertakers

5TH SCH
—cont.

if the land was acquired by those undertakers for the purposes of that development (whether by agreement or compulsorily) with the consent or authority of a government department.

Revocation and
modification of
permission.

3.—(1) The provisions of Part III of this Act with respect to the revocation and modification of permission to develop land shall have effect, in relation to any permission granted, on an application made by the person carrying on a statutory undertaking, for the development of operational land, as if for any reference therein to the Minister there were substituted a reference to the Minister and the appropriate Minister.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section twenty-one of this Act as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) In relation to any order made by the Minister and the appropriate Minister under the said section twenty-one as modified by this paragraph, sub-paragraph (3) of paragraph 1 of this Schedule shall apply as it applies to a decision given under that paragraph refusing permission to develop operational land, or granting such permission subject to conditions, and references in the said sub-paragraph (3) to a decision under that paragraph shall accordingly include references to any such order as aforesaid.

Orders relating
to authorised
uses.

4.—(1) The provisions of Part III of this Act with respect to the making of orders requiring the discontinuance of any use of land or imposing conditions on the continuance thereof, or requiring buildings or works on land to be altered or removed, shall have effect, in relation to operational land of the person carrying on any statutory undertaking, as if for any reference therein to the Minister there were substituted a reference to the Minister and the appropriate Minister.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section twenty-six of this Act, as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) Any compensation payable under section twenty-seven of this Act in consequence of an order made under the said section twenty-six as modified by this paragraph shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1944.

Section 49

SIXTH SCHEDULE.

PROCEDURE FOR MAKING ORDERS UNDER S. 49.

1. Before making an order under section forty-nine of this Act the Minister of Transport shall publish in at least one local newspaper

circulating in the area in which any highway to which the order relates is situated and in the London Gazette a notice—

5TH SCH.
—cont.

- (a) stating the general effect of the order ;
- (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice ; and
- (c) stating that, within the said period, any person may by notice to that Minister object to the making of the order.

2. Not later than the date on which the said notice is published as aforesaid, the Minister of Transport shall serve a copy thereof (together with a copy of the draft order and of any relevant map or plan)—

- (a) on every local authority in whose area any highway to which the order relates is situated ;
- (b) on any water, hydraulic power, gas or electricity undertakers, having any cables, mains, pipes or wires laid along, across, under or over any highway to be stopped up or diverted under the order.

3. Not later than the date on which the said notice is published as aforesaid, the Minister of Transport shall cause a copy thereof to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.

4. If before the expiration of the said period of three months an objection is received by the Minister of Transport from any local authority or undertakers on whom a notice is required to be served under this Schedule, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held :

Provided that except where the objection is made by any such authority or undertakers as aforesaid, the Minister may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

5. After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may make the order either without modification or subject to such modifications as he thinks fit.

6. Immediately after the order has been made, the Minister of Transport shall publish in the manner prescribed by paragraph 1 of this Schedule a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours, and paragraphs 2 and 3 of this Schedule shall apply to any such notice as they apply to the notice required to be published by the said paragraph 1.

7. Subsections (2) and (3) of section eleven of this Act shall apply to any order under section forty-nine of this Act as they apply to a development plan approved or made under Part II of this Act, and as if for references therein to the notice required by subsection (1) of that section there were substituted references to the notice required by the last foregoing paragraph :

6TH SCH.
—cont.

Provided that where any such order is subject to special parliamentary procedure, then—

- (a) if the order is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, the said subsections (2) and (3) shall not apply ;
- (b) in any other case the said subsections shall have effect as if in subsection (2) for the reference to the date on which the notice required by the last foregoing paragraph is first published there were substituted a reference to the date on which the order becomes operative under the said section six, and as if in subsection (3) the words from " and shall become operative " to the end of the subsection were omitted.

8. In this Schedule the expression " local authority " means the council of a county, county borough, county district or parish and the parish meeting of a rural parish not having a separate parish council.

SEVENTH SCHEDULE.

Section 50.

MODIFICATIONS OF PART II OF THE TOWN AND COUNTRY PLANNING ACT, 1944.

Elimination of overlap between owner-occupier supplement and increase of converted value payment.

1.—(1) Where an interest in land the value of which falls to be ascertained in accordance with the provisions of Part II of the Act of 1944 for the purposes of the compensation payable on a compulsory acquisition thereof is an interest in a hereditament or part of a hereditament which has sustained war damage, then if—

- (a) by virtue of section fourteen of the War Damage Act, 1943, or of any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, a value payment falls to be made in respect of the damage so far as not made good before the date of the acquisition ; and
- (b) the amount of that payment falls to be increased by virtue of the War Damage (Increase of Value Payments) Order, 1947, or any subsequent order made by the Treasury under section eleven of the said Act ; and
- (c) the person entitled to the compensation payable in respect of the compulsory acquisition of the interest in question is also entitled by virtue of section fifty-eight of the Act of 1944, either as originally enacted or as amended by the Acquisition of Land (Increase of Supplement) Order, 1946, or any subsequent order made by the Treasury under section sixty of that Act, to receive a supplement to that compensation,

the amount of the compensation payable in respect of the compulsory acquisition shall be reduced in the manner provided by this paragraph by such sum as may be appropriate, not exceeding the amount by which the value payment is increased as aforesaid, or the amount of the supplement payable as aforesaid, whichever is the less.

7TH SCH.
—cont.

(2) Any reduction required by virtue of this paragraph to be made in the compensation payable in respect of the compulsory acquisition of an interest in land shall be effected as follows : that is to say, the War Damage Commission shall, on a claim made to the Commission in that behalf within the time and in the manner prescribed by regulations made by the Treasury under this Act, pay to the Minister or authority by whom that interest is compulsorily acquired a sum equal to the amount of the reduction, together with interest thereon at the rate of two and a half per cent. per annum from the date of the acquisition, and shall deduct that amount (including interest thereon as aforesaid) from the amount of any value payment or share of the value payment (including interest on any such payment or share) payable by the Commission under the War Damage Act, 1943, to the person from whom that interest is acquired.

(3) Any sum payable by the War Damage Commission to a Minister or authority by virtue of the provisions of this paragraph in respect of the compulsory acquisition of any interest in land shall be paid at the time when the value payment or share of a value payment payable to the owner of that interest under the War Damage Act, 1943, is discharged.

(4) Any question arising under this paragraph as to what reduction is appropriate in the compensation payable in respect of the compulsory acquisition of an interest in land shall, in default of agreement, be referred to and determined by the War Damage Commission, whose decision shall be final ; and paragraph 6 of the First Schedule to the War Damage Act, 1943 (which enables the Commission to regulate the procedure for the determination of questions subject to determination by them under that Act) shall have effect as if any question falling to be determined by the Commission under this paragraph were a question subject to determination by them under that Act.

(5) Where an interest in land which has been acquired by agreement before the commencement of this Act by a person authorised by virtue of any enactment to acquire it compulsorily is an interest in a hereditament or part of a hereditament which has sustained war damage, then if—

- (a) the conditions specified in sub-paragraphs (1) (a) and (1) (b) of this paragraph are satisfied in relation thereto ; and
- (b) the person to whom the purchase price is payable in respect of the acquisition of the interest in question would, if the interest had been acquired compulsorily, have been entitled to any such supplement as is mentioned in sub-paragraph (1) (c) of this paragraph ;

the amount of the purchase price payable in respect of the acquisition shall be reduced by such sum as may be appropriate, not exceeding the amount by which the value payment is increased as is mentioned in sub-paragraph (1) (b) of this paragraph, or the amount of the supplement which would have been payable as aforesaid, whichever is the less ; and sub-paragraphs (2), (3) and (4) of this paragraph shall apply in relation to the reduction required by virtue of this sub-paragraph to be made in the purchase price as if for any reference in

7TH SCH.
—cont.

those sub-paragraphs to the compulsory acquisition of an interest in land or to the amount of the compensation payable in respect of that acquisition there were substituted respectively a reference to the acquisition of an interest in land by agreement and to the purchase price payable in respect of that acquisition.

(6) The reference in sub-paragraph (2) of this paragraph to the date of acquisition of an interest in land shall be construed as a reference to the date of the completion of the acquisition or, if interest on the compensation, or on the purchase price, as the case may be, becomes payable before that date (whether by virtue of entry on the land or otherwise), as a reference to the date from which the interest becomes payable.

Assessment of compensation in case of certain agricultural land.

13 & 14 Geo. 5.
c. 9.

2. In subsection (2) of section fifty-seven of the Act of 1944, and paragraph 4 of the Seventh Schedule to that Act, references to agricultural holdings and to holdings as defined for the purposes of the Agricultural Holdings Act, 1923, shall be construed as including references to any land which, if it were held by a tenant, would be a holding as so defined.

Extension of owner-occupier supplement to certain subsidiary companies.

3.—(1) Where an interest in land the value of which falls to be ascertained in accordance with the provisions of Part II of the Act of 1944 for the purposes of the compensation payable on a compulsory acquisition thereof is an interest held by a company having among its objects the holding of land, and being related (as hereinafter defined) to another company which carries on business on land so held, then, without prejudice to the provisions of paragraph (a) of subsection (6) of section fifty-eight of the said Act, or of any regulation made thereunder, subsection (5) of that section shall have effect in relation to that interest as if references in paragraphs (a) to (d) of that subsection to the person entitled to compensation for the purchase of that interest included references to the last mentioned company.

10 & 11 Geo. 6.
c. 47.

(2) For the purposes of this paragraph a company shall be deemed to be related to another company if either of those companies is a subsidiary of the other (as defined by the Companies Act, 1947,) or if both of them are subsidiaries (as so defined) of a third company.

Assessment of compensation by reference to after-damage value

4.—(1) Where under section sixty-one of the Act of 1944, the value of any land in a hereditament which has sustained war damage is for the purpose of a compulsory acquisition required to be ascertained, in accordance with the provisions of the Eighth Schedule to that Act, by reference to the certified after-damage value of the hereditament, then if—

10 Edw. 7 and
1 Geo. 5. c. 24.

(a) the hereditament consists of premises in respect of which a justices' licence within the meaning of the Licensing (Consolidation) Act, 1910, was in force or in suspense at the time when the war damage occurred; and

(b) between that time and the time when the notice to treat was served there had been any change in the circumstances of the licence, whether by extinction, removal or suspension by virtue of section ten of the Finance Act, 1942, or section twelve of the Finance Act, 1946,

7TH SCH.
—cont.

9 & 10 Geo. 6.
c. 64.

sub-paragraph (3) of paragraph (1) of the said Eighth Schedule shall have effect as if the change constituted a material difference in the state of the premises and the change shall be taken into account under the said sub-paragraph in determining the value of the premises under the War Damage Act, 1943, by reference to the state of the premises at the time when the notice to treat is served.

(2) Neither the right to land tax in respect of any land nor the right to a redemption annuity under the Tithe Act, 1936, in respect of any land shall be taken into account as interests in land under paragraph 2 of the Eighth Schedule to the Act of 1944, but such adjustments of the certified after-damage value of the hereditament shall be made for the purposes of that Schedule as are necessary to produce for those purposes the result which would have been produced therefor if liability to land tax or to any such annuity had been included among the burdens referred to in paragraph 1 (1) (c) of the Second Schedule to the War Damage Act, 1943.

26 Geo. 5 and
1 Edw. 8. c. 43.

EIGHTH SCHEDULE.

Sections 44 and
113.

ENACTMENTS AMENDED.

Enactment amended.

Amendments.

The Electricity
(Supply) Act,
1919, 9 & 10
Geo. 5. c. 100.

In section twenty-one, after the words "local authority", in the second place where those words occur, there shall be inserted the words "and the local planning authority within the meaning of the Town and Country Planning Act, 1947", and after the words "county council", in the second place where those words occur, there shall be inserted the words "not being the local planning authority".

The Roads Improve-
ment Act, 1925,
15 & 16 Geo. 5.
c. 68.

In section five, in paragraph (b) of the proviso to subsection (1) for the words from "every authority" to the words "such district" there shall be substituted the words "the local planning authority within the meaning of the Town and Country Planning Act, 1947".

The Betting and
Lotteries Act,
1934, 24 & 25 Geo.
5. c. 58.

In section six, in subsection (2) for the words "the responsible authority under any planning scheme in force in an area" there shall be substituted the words "the planning authority for any area"; and in subsection (4) for the words "any responsible authority under a planning scheme in force in an area" there shall be substituted the words "the planning authority for any area".

8TH SCH.
—cont

*Enactment amended.**Amendments.*

The Betting and
Lotteries Act,
1934, 24 & 25
Geo. 5. c. 58.
—cont.

In section seven, in subsection (1) the words from "where the track, or any part thereof," to the words "no such scheme is in force" shall be omitted; for the words "the planning authority have consented to the establishment or continuance of the track" there shall be substituted the words "any planning permission required under Part III of the Town and Country Planning Act, 1947, for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been granted thereunder or is deemed to be so granted"; and for the words "their consent in writing to the licensing authority" there shall be substituted the words "the licensing authority that any planning permission required as aforesaid has been so granted or is deemed to be so granted".

In section twenty, in subsection (1) for the definition of "planning authority" there shall be substituted the following definition:—

" 'planning authority' means the local planning authority within the meaning of the Town and Country Planning Act, 1947 ";

and the definition of "planning scheme" shall be omitted.

The Restriction of
Ribbon Develop-
ment Act, 1935,
25 & 26 Geo. 5.
c. 47.

In section four, the words "Where restrictions are in force under the foregoing provisions of this Act" and the words "except at such places as may be permitted by them" shall be omitted, and in the proviso to that subsection for the words from "any means of access" to the end of the subsection there shall be substituted the words "any means of access for the construction, formation or laying out of which planning permission has been granted under Part III of the Town and Country Planning Act, 1947, or which was constructed, formed or laid out before the appointed day within the meaning of the said Act, unless it was constructed, formed or laid out in contravention of restrictions in force under the foregoing provisions of this Act."

The Trunk Roads
Act, 1936, 1 Edw. 8
and 1 Geo. 6. c. 5.

In section four, for subsection (1) there shall be substituted the following subsection:—

"(1) In this section, and in the Fourth Schedule to this Act, the expression 'the authority' means, in relation to a trunk

Enactment amended.

The Trunk Roads
Act, 1936, 1 Edw. 8
and 1 Geo. 6. c. 5.
—*cont.*

Amendments.

road, the council of the county or county borough in which the road is situated :

Provided that where the road is situated within a non-county borough or an urban district and, immediately before the road became a trunk road either—

(a) the road was an unclassified road ; or

(b) functions of maintenance were exercisable in relation to the road, under section thirty-two of the Local Government Act, 1929, by the council of the borough or district,

the said expression means that council."

In the Second Schedule, in the proviso substituted for the proviso to subsection (1) of section five of the Roads Improvement Act, 1925, from the words "local authority for every district" to the words "interim development of that land" there shall be substituted the words "local planning authority within the meaning of the Town and Country Planning Act, 1947".

In the Fourth Schedule, in paragraphs 6 and 7, for the words "sections thirteen to fifteen" there shall be substituted the words "sections thirteen and fourteen".

The Public Health
Act, 1936, 26 Geo.
5. and 1 Edw. 8.
c. 49.

In section fifty-three, in paragraph (ii) of subsection (1) for the words "any provision applicable to the building under a planning scheme" there shall be substituted the words "any condition imposed on the grant of planning permission for that building under Part III of the Town and Country Planning Act, 1947."

The Housing Act,
1936, 26 Geo. 5. &
1 Edw. 8. c. 51.

In section thirty-five, in subsection (2) for the words "any planning scheme or proposed planning scheme" there shall be substituted the words "any development plan within the meaning of the Town and Country Planning Act, 1947."

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47.

In section fifteen, for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947, not being land comprised in a licensing planning area within the meaning of the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946."

In section nineteen, for the words "local planning authority" wherever those words occur there shall be substituted the words "local authority"; in subsection (1) for the

8TH SCH.
—*cont.*

8TH SCH.

Enactment amended.—*cont.*:

The Town and
Country Planning
Act, 1944. 7 & 8
Geo. 6. c. 47.—
cont.

Amendments.

words from "or appropriated" to the end of the subsection there shall be substituted the words "under section thirty-eight or section forty of the Town and Country Planning Act, 1947, or appropriated for purposes for which land can be acquired under those sections and is for the time being held by the authority for the purposes for which it was acquired or appropriated"; in subsection (3) for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; in subsection (6) after the word "shall" there shall be inserted the words "in the case of land comprised in an area defined by a development plan as an area of comprehensive development or of land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate local authority", for the words "land which the authority have acquired for the purposes of this Part of this Act" there shall be substituted the words "any such land which the authority have acquired as mentioned in subsection (1) of this section", and for the words "accommodation thereon" there shall be substituted the words "thereon accommodation suitable to their reasonable requirements"; in subsection (8) for the words "section forty-two of this Act" there shall be substituted the words "section thirty of the Town and Country Planning Act, 1947"; and in subsection (10) for the words from "land which" to "this Part of this Act" there shall be substituted the words "any such land as is mentioned in subsection (1) of this section".

In section twenty, for the words "local planning authority" wherever those words occur, there shall be substituted the words "local authority"; in subsection (1) for the words from "land which" to "purposes of this Part of this Act" there shall be substituted the words "any such land as is mentioned in subsection (1) of section nineteen of this Act", and for the words "this Part of this Act" in the second and third places where those words occur there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and in subsection (4) for the words "the two last preceding sub-

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.
—*cont.*

sections" there shall be substituted the words "subsection (2) of this section".

In section twenty-two, in subsection (1) for the words from "local planning" to "authorised by this Part of this Act" there shall be substituted the words "local authority as mentioned in subsection (1) of section nineteen of this Act or which has been acquired by the Central Land Board under section forty-three of the Town and Country Planning Act, 1947, whether done by the local authority or by any person deriving title under the local authority or under the Board, as the case may be, shall be deemed to be authorised by this section", and for the words "by such an authority" in both places where those words occur there shall be substituted the words "under that Act"; in subsection (2) for the words "other than the local planning or highway authority" there shall be substituted the words "deriving title under the local authority" after the word "appropriated" there shall be inserted the words "or under the Central Land Board", after the word "authority", in the second place where that word occurs there shall be inserted the words "or against the Board, as the case may be", and after the word "authority" in the third and fourth places where that word occurs there shall be inserted the words "or Board"; in subsection (3) for the words from "the terms of an interim development order" to the end of the subsection there shall be substituted the words "permission granted under Part III of the Town and Country Planning Act, 1947, and not otherwise"; and in subsection (4) for the words "local planning or highway authority" there shall be substituted the words "local authority".

In section twenty-three, in subsection (1) for the words from "land which has" to the end of the subsection there shall be substituted the words "any such land as is mentioned in subsection (1) of section nineteen of this Act if he is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required"; for subsections (2) and (3) there shall be substituted the following subsections:—

"(2) The Sixth Schedule to the Town and Country Planning Act, 1947, shall

8TH SCH.
—cont.

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

apply to an order under this section as it applies to an order under section forty-nine of that Act, and the said Schedule shall, in its application to an order under this section, have effect as if for any reference therein to the Minister of Transport there were substituted a reference to the Minister.

(3) The Minister of Transport or a local highway authority may be authorised to purchase land compulsorily for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under this section ; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this subsection, and accordingly shall have effect—

(a) as if this subsection had been in force immediately before the commencement of that Act ;

(b) as if this subsection were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act :

Provided that section two of the said Act shall not apply to the compulsory acquisition of land under this subsection."

In subsection (4) for the words " local planning or highway authority " wherever those words occur there shall be substituted the words " local authority ", and for the words " subsection (2) of this section " there shall be substituted the words " paragraph 1 of the Sixth Schedule to the Town and Country Planning Act, 1947 " ; and at the end of the section there shall be added the following subsection :—

" (5) Regulations made under the Town and Country Planning Act, 1947, may provide for securing that any proceedings required to be taken for the purposes of an order under this section may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.
—*cont.*

is to be extinguished, or for securing that any proceedings required to be taken for the purposes of the acquisition of any other land under subsection (3) of this section may be taken concurrently with either or both of the said proceedings."

In section twenty-four, in subsection (1) for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and in subsection (3) after the word "Minister" there shall be inserted the words "or the Central Land Board".

In section twenty-five, in subsection (1) for the words from "or appropriated" to "acquired the land" there shall be substituted the words "by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act", and for the words "authority or that Minister" there shall be substituted the words "purchasing or appropriating authority"; in subsection (2) for the words "authority or Minister" there shall be substituted the words "purchasing or appropriating authority"; in subsection (3) for the words "authority or the said Minister" there shall be substituted the words "purchasing or appropriating authority"; in subsection (4) for the words "local planning or highway authority, the authority" there shall be substituted the words "local authority or on statutory undertakers, the authority or undertakers", after "undertaking" there shall be inserted the words "on whom the notice was served under subsection (1) of this section", and for the words "local planning or highway authority" in the second place where those words occur there shall be substituted the words "authority or undertakers on whom the counter-notice was served"; in subsection (5) after the words "a Minister" in the first place where those words occur there shall be inserted the words "or the Central Land Board", and after the word "he" in both places where it occurs there shall be inserted the words "or they", and after the words

8TH SCH.
—cont.

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

"a Minister and the appropriate Minister" there shall be inserted the words "or the Central Land Board and the appropriate Minister"; in subsection (8) for the words "authority or Minister" there shall be substituted the words "purchasing or appropriating authority"; and in subsection (9) after the word "Minister" there shall be inserted the words "or the Central Land Board".

In section twenty-six, for the words "this Part of this Act" wherever those words occur there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; in subsection (1) for the words "local planning authority" there shall be substituted the words "local authority or Minister", and for the words from "an interim development application" to the end of paragraph (b) there shall be substituted the words "an application made under Part III of the Town and Country Planning Act, 1947, by a person carrying on the undertaking for permission to develop any such land or by the revocation or modification of permission granted on such an application or by the making of an order under section twenty-six of that Act in relation to any such land"; in subsection (2) for the words "local planning authority" in paragraph (c) there shall be substituted the words "local authority or Minister"; and in subsection (5) for the words "local planning authority" in both places where those words occur and for the word "authority" there shall be substituted the words "local authority or Minister".

In section twenty-seven, in subsection (1) for the words "the compulsory purchase under this Part of this Act" there shall be substituted the words "(a) the compulsory purchase under Part IV of the Town and Country Planning Act, 1947", and for the words "or the extinguishment thereunder" there shall be substituted the words:—

"(b) a decision on an application under Part III of the said Act by a person carrying on the undertaking for permission to develop any such land or the revocation or modification of permission granted on such an application or the making of an order under section twenty-

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.
—*cont.*

six of that Act in relation to any such
land ; or

(c) the extinguishment under Part IV of
that Act "

and for subsection (5) there shall be sub-
stituted the following subsection :—

" (5) In relation to an order made under
this section, subsections (1) to (3) of
section eleven of the Town and Country
Planning Act, 1947, shall apply, subject to
any necessary modifications, as they apply
in relation to a development plan approved
by the Minister under that Act, and
accordingly the said subsection (1) shall
have effect as if for the reference therein
to the local planning authority there were
substituted a reference to the appropriate
Minister :

Provided that where any such order is
subject to special parliamentary procedure,
then—

(a) if the order is confirmed by Act of
Parliament under section six of the
Statutory Orders (Special Procedure)
Act, 1945, subsections (2) and (3) of
the said section eleven shall not apply ;

(b) in any other case those subsections
shall have effect in relation to the order
as if in subsection (2) for the reference
to the date on which the notice required
by subsection (1) of the said section
eleven is first published there were
substituted a reference to the date on
which the order becomes operative
under section six of the Statutory
Orders (Special Procedure) Act, 1945,
and as if in subsection (3) the words
from ' and shall become operative ' to
the end of the subsection were omitted."

In section twenty-eight, in subsections (1) and
(4) for the words from " or appropriated " to
" Minister thereunder " in both places where
those words occur there shall be substituted
the words " by a purchasing authority under
Part IV of the Town and Country Planning
Act, 1947, or which has been appropriated by
a local authority as mentioned in subsection
(1) of section nineteen of this Act ", and for
paragraph (a) of those subsections respectively

8TH SCH.
—cont.

Enactment amended.
The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

there shall be substituted the following paragraph:—

“(a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control;”; in subsection (5) after the words “government department” there shall be inserted the words “or the Central Land Board”; and in subsection (8) for the words “local planning or highway authority” there shall be substituted the words “local authority”.

In section twenty-nine, in subsection (1) for the words from “or appropriated” to the words “Minister thereunder” there shall be substituted the words “by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act”, and for paragraph (a) there shall be substituted the following paragraph:—

“(a) in the case of land acquired by a purchasing authority other than a Minister or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control;”; in subsection (2) for the words “meanings assigned to them respectively by section fourteen of this Act” there shall be substituted the words “same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946”; and in subsection (3) for the words “local planning or highway authority” there shall be substituted the words “local authority”.

In section thirty, in subsection (1) for the words from “land acquired” to “this Part of this Act” there shall be substituted the words “any such land as is mentioned in subsection (1) of section nineteen of this Act”, and after the word “accommodation” in the first place where that word occurs there shall be inserted the words “suitable to the reasonable requirements of those persons”; in subsection (2) for the words “under this Part of this Act” there shall be substituted the words “by a local authority under section thirty-eight of the Town and Country Planning Act, 1947”; in subsection (3) for the words from “local

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.

—*cont.*

planning" to "this Part of this Act" there shall be substituted the words "local authority as is mentioned in subsection (1) of section nineteen of this Act"; in subsection (4) for the words from "which has been acquired or" to "Minister thereunder" there shall be substituted the words "on land which has been acquired or appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act or which has been acquired by the Central Land Board or a Minister under Part IV of the Town and Country Planning Act, 1947"; in subsection (5) for the words "local planning or highway authority" there shall be substituted the words "local authority, the Central Land Board", and for the words from "or appropriated" to "this Part of this Act" there shall be substituted the words "by the local authority, Board or Minister under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by the local authority as mentioned in subsection (1) of section nineteen of this Act".

In section forty-seven, in subsection (1) for the words "local planning or highway authority or a county council" there shall be substituted the words "local authority", and for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947".

In section forty-nine, for the words "this Act" in both places where those words occur there shall be substituted the words "the Town and Country Planning Act, 1947".

In section sixty-five, in subsection (1) in the definitions of "appropriate Minister" and "statutory undertaking" for the words "meaning assigned to it by section thirteen of this Act" there shall be substituted the words "same meaning as in the Town and Country Planning Act, 1947", and for the definition of "purchasing authority" there shall be substituted the following definition:—

" 'purchasing authority' means a Minister, the Central Land Board, a local authority or any statutory undertakers purchasing under Part IV of the Town and Country Planning Act, 1947; "

and at the end of that section there shall be added the following subsection:—

8TH SCH.
—cont.

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

“(4) Any reference in this Act to the Town and Country Planning Act, 1947, or to Part IV of that Act shall be construed as including a reference to any provisions of this Act incorporated with the said Part IV.”

In the First Schedule, in sub-paragraph (c) of paragraph 1 for the word “thereof” there shall be substituted the words “of this Act”.

In the Fourth Schedule, for sub-paragraphs (a) (b) and (c) of paragraph 1 there shall be substituted the following paragraphs :—

- “(a) in respect of any decision given under paragraph 1 of the Fifth Schedule to the Town and Country Planning Act, 1947, refusing permission to develop operational land or granting such permission subject to conditions ;
- (b) in respect of any decision given by a government department under paragraph 2 of that Schedule refusing the authorisation of that department in respect of any development of such land, or directing that permission to develop such land shall be deemed to be granted subject to conditions ;
- (c) in respect of any order made under paragraph 3 of that Schedule revoking or modifying permission to develop such land ;
- (d) in respect of any order made under paragraph 4 of that Schedule in relation to such land ;
- (e) in respect of the extinguishment of any right, or the imposition of any requirement, under section twenty-five of this Act as applied for the purposes of Part IV of the said Act ;
- (f) in respect of any such compulsory purchase as is mentioned in subsection (5) of section forty-five of the said Act ;”

and in sub-paragraph (4) of paragraph 2 after the words “modification of permission” there shall be inserted the words “or order under paragraph 4 of the Fifth Schedule to the Town and Country Planning Act, 1947”, and in sub-paragraph (3) of paragraph 3 for the words “authority or Minister” there shall be substituted the word “person”.

Enactment amended.

Amendments.

8TH SCH.

—cont.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

In paragraph 9 of the Fifth Schedule, in sub-paragraph (1) for the words "by an order made" to "four or nine thereof" there shall be substituted the words—

"by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition; or

(b) in land which is proposed to be acquired compulsorily under subsection (2) of section thirty-seven or subsection (2) of section thirty-eight of that Act;"

for the words "by an order under any enactment in Part I of this Act confirmed or made" there shall be substituted the words "under Part IV of the Town and Country Planning Act, 1947"; after the words "the said Part III" in the second place where those words occur there shall be inserted the words "of the Housing Act, 1936"; and for the words "Part I of this Act" in the third place where those words occur there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and in sub-paragraph (4) for the words "any enactment in Part I of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and after the words "the said Part III" there shall be inserted the words "of the Housing Act, 1936."

In the Sixth Schedule, in sub-paragraph (2) of paragraph 1 for the words "section seventeen of this Act" there shall be substituted the words "subsection (2) of section thirty-nine of the Town and Country Planning Act, 1947," and in sub-paragraph (4) of that paragraph after the word "modified" there shall be inserted the words "by the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946"; in paragraph 2 and in sub-paragraphs (2) and (6) of paragraph 3 for the words "this Act" there shall be substituted the words "the Acquisition of Land (Authorisation Procedure) Act, 1946", and in the said sub-paragraph (2) of paragraph 3 the words "or the draft of the order or the application therefor as the case may be" shall be omitted; in paragraph 8 for the words "Part I of this Act" there shall be substituted the words "the Acquisition of Land (Authorisation Procedure) Act, 1946"; and paragraph 12 shall be omitted.

8TH SCH.
—cont.

Enactment amended.

The Licensing Planning (Temporary Provisions) Act, 1945, 8 & 9 Geo. 6. c. 15.

Amendments.

In section ten, the words "except the City of London" wherever those words occur shall be omitted, and at the end of paragraph (a) of subsection (2) there shall be inserted the following sub-paragraph:—

"(iv) such number of members as may be prescribed by order of the Secretary of State, appointed from amongst their number by the Licensing Justices for the City of London, and an equal number of members appointed, after consultation with the Common Council of the City of London, by the London County Council; and"

and for subsection (1) of section thirteen there shall be substituted the following subsection:—

"(1) In this Act the expression 'local planning authority' means the local planning authority within the meaning of the Town and Country Planning Act, 1947."

The Distribution of Industry Act, 1945, 8 & 9 Geo. 6. c. 36.

In the Second Schedule, in paragraph 8 of Part III, for the words "section forty-two of the Town and Country Planning Act, 1944" there shall be substituted the words "section thirty of the Town and Country Planning Act, 1947".

The Requisitioned Land and War Works Act, 1945, 8 & 9 Geo. 6. c. 43.

In subsection (1) of section fifty-nine, for the definition of "local planning authority" there shall be substituted the following definition:—

"'local planning authority' means the local planning authority within the meaning of the Town and Country Planning Act, 1947".

The Trunk Roads Act, 1946, 9 & 10 Geo. 6. c. 30.

In section five, in subsection (1) for the words "by whom functions are exercisable under section one and section two of the said Act" there shall be substituted the words "within the meaning of section four of the principal Act".

In the Fourth Schedule, in the subsection substituted in relation to London for subsection (1) of section four of the Trunk Roads Act, 1936, for the words from "and the functions" to the end of the subsection there shall be substituted the words "and for the purposes of this section and of the Fourth Schedule to this Act, the expression 'the authority' means, in relation to any such road, the London County Council".

*Enactment amended.**Amendments.*8TH SCH.
—cont.

The Building Restrictions (War-Time Contraventions) Act, 1946, 9 & 10 Geo. 6. c. 35.

In section seven, in subsection (1) for the definition of "authority responsible for enforcing planning control" there shall be substituted the following definition :—

" 'authority responsible for enforcing planning control' means, in relation to any works on land or use of land, the authority empowered by virtue of section seventy-five of the Town and Country Planning Act, 1947, to serve an enforcement notice in respect thereof under Part III of that Act or the authority who would be so empowered if the works had been carried out, or the use begun, otherwise than in compliance with planning control."

In subsection (5) of the said section seven, for the words from "section thirteen" to the end of the subsection there shall be substituted the words "section seventy-five of the Town and Country Planning Act, 1947".

The Acquisition of Land (Authorisation Procedure) Act, 1946, 9 & 10 Geo. 6. c. 49.

In section two, in subsection (6) for the words "that Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947".

In section three, in subsection (2) for the words "that is to say, the council specified in subsection (1) of section two of the Town and Country Planning Act, 1932" there shall be substituted the words "within the meaning of section four of the Town and Country Planning Act, 1947"; in the First Schedule, in paragraph 15, sub-paragraph (2) shall be omitted.

The Licensing Planning (Temporary Provisions) Act, 1946, 9 & 10 Geo. 6. c. 53.

In subsection (4) of section three, the words "except the City of London" shall be omitted.

The New Towns Act, 1946, 9 & 10 Geo. 6. c. 68.

In section three, in subsection (2) for the words "section ten of the Town and Country Planning Act, 1932, a special interim development order" there shall be substituted the words "section thirteen of the Town and Country Planning Act, 1947, a special development order", and for the words "interim development authority" there shall be substituted the words "local planning authority".

8TH SCH.
—cont.

*Enactment amended.**Amendments.*

The New Towns
Act, 1946, 9 & 10
Geo. 6. c. 68—cont.

In section six, in subsection (3) for the words "section forty-two of the Town and Country Planning Act, 1944" there shall be substituted the words "section thirty of the Town and Country Planning Act, 1947".

In the Fourth Schedule, after the modification of subsection (1) of section sixteen of the Act of 1944 there shall be inserted the words "subsection (3) shall be omitted"; at the end of the modification of section twenty-two of the said Act there shall be added the words "and in subsection (3) for the words from 'the terms of an interim development order' to the end of the subsection there shall be substituted the words 'permission granted under Part III of the Town and Country Planning Act, 1947'"; and in the modification of section sixty-five of the said Act for the words "and 'loan charges' shall not apply" there shall be substituted the words "'interim development application', 'interim development authority', 'loan charges' and 'planning scheme' shall not apply, in the definition of 'local planning authority' for the words 'has the meaning assigned to it by section fifty-five of this Act' there shall be substituted the words 'means the local planning authority within the meaning of the Town and Country Planning Act, 1947'."

The Civil Aviation
Act, 1946, 9 & 10
Geo. 6. c. 70.

In section thirty, in subsection (1) after the word "shall" in the first place where that word occurs there shall be inserted the words "as amended by the Town and Country Planning Act, 1947", and for the words "Part I of that Act" there shall be substituted the words "Part IV of the last mentioned Act".

NINTH SCHEDULE.

Sections 113,
120.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS REPEALED AS FROM PASSING OF THIS ACT.

Session and Chapter.	Enactment repealed.	Extent of repeal.
7 & 8 Geo. 6. c. 47	The Town and Country Planning Act, 1944.	In section twenty-four, in subsection (2) the words from "and section fifty-seven" to the end of the subsection; in section twenty-six, in paragraph (b) of subsection (2) the words from "including" to the end of the paragraph; sections fifty-seven to sixty-two; in section sixty-four, the words "except in so far as is otherwise provided by this Act"; in the Sixth Schedule, in sub-paragraph (4) of paragraph 1 the words "and as amended by Part II of this Act", and in sub-paragraph (1) of paragraph 5 the words "or the amount of any sum payable as a supplement thereto" and the words "together, if any sum is payable as a supplement thereto, with the amount of that sum"; and the Seventh and Eighth Schedules.
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act, 1945.	In section forty-one, subsection (7) and paragraph (c) of subsection (8).
9 & 10 Geo. 6. c. 70.	The Civil Aviation Act, 1946.	In the Third Schedule, paragraph 10; in the Fourth Schedule, paragraphs 4 and 5 and paragraph (b) of the proviso to paragraph 6; and in the Sixth Schedule, paragraphs 2 and 3 and paragraph (b) of the proviso to paragraph 4.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	In section four, in subsection (7) the words from "and that Part II" to the end of the subsection.

9TH SCH.
—cont.

PART II.

ENACTMENTS REPEALED AS FROM APPOINTED DAY.

Session and Chapter.	Enactment repealed.	Extent of repeal.
52 & 53 Vict. c. 27.	The Advertising Stations (Rating) Act, 1889.	Section five.
7 Edw. 7. c. 27.	The Advertisements Regulation Act, 1907.	The whole Act.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	Section ninety-one.
15 & 16 Geo. 5. c. 52.	The Advertisements Regulation Act, 1925.	The whole Act.
15 & 16 Geo. 5. c. 68.	The Roads Improvement Act, 1925.	In section five, the proviso to subsection (7).
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act, 1926.	In the Schedule, in the subsection substituted for subsection (7) of section fifteen of the Land Charges Act, 1925, paragraph (a), sub-paragraph (ii) of paragraph (b) and the word "scheme" where that word last occurs.
18 & 19 Geo. 5. c. 32.	The Petroleum (Consolidation) Act, 1928.	Section eleven.
21 & 22 Geo. 5. c. 16.	The Ancient Monuments Act, 1931.	Section two.
22 & 23 Geo. 5. c. 48.	The Town and Country Planning Act, 1932.	The whole Act.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In the Seventh Schedule, the words "The Town and Country Planning Act, 1932."
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	Sections one to three; sections five to twelve; in paragraph (a) of subsection (3) of section thirteen the words from "or which is for the time being" to the end of that paragraph; section fifteen; the proviso to subsection (1) and subsection (2) of section eighteen; subsections (2), (3) and (4) of section nineteen; subsection (1) of section twenty-three; subsection (1) of section twenty-four except the defi-

Session and Chapter.	Enactment repealed.	Extent of repeal.
25 & 26 Geo. 5. c. 47. —cont.	The Restriction of Ribbon Development Act, 1935—cont.	nitions of "building", "chief officer of police", "land", "middle of the road", "Minister", "owner", "place of public resort", "proposed road", "road" and "statutory undertakers", and subsection (2) of that section; and the First, Second and Third Schedules.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section one hundred and seven, in subsection (1) the words "but not for the purposes of any planning scheme in operation on the said date"; and in section three hundred and forty-three, in subsection (1) the definition of "planning scheme".
26 Geo. 5. & 1 Edw. 8. c. 51.	The Housing Act, 1936.	In section sixteen, in subsection (4) the words "and of any planning scheme in operation in the area." In section one hundred and eighty-eight, in subsection (1) the definition of "planning scheme."
1 Edw. 8 and 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	Subsections (2) to (5) of section four, and in the Fourth Schedule, paragraphs 1 to 4 and in paragraph 5 the words from "subject to restrictions in force" to the words "expenses incurred in so doing" and the proviso to that paragraph.
2 & 3 Geo. 6. c. 22.	The Camps Act, 1939.	Subsection (2) of section three.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	Section seventy.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	In the Fifth Schedule, the words "The Town and Country Planning Act, 1932."
6 & 7 Geo. 6. c. 5.	The Minister of Town and Country Planning Act, 1943.	Subsection (1) of section six and the First Schedule.

9TH SCH.
—*cont.*

Session and Chapter.	Enactment repealed.	Extent of repeal.
6 & 7 Geo. 6. c. 29.	The Town and Country Planning (Interim Development) Act, 1943.	The whole Act.
6 & 7 Geo. 6. c. 34.	The Restriction of Ribbon Development (Temporary Development) Act, 1943.	The whole Act.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	Sections one to fourteen, sections sixteen to eighteen, subsection (3) of section twenty, section twenty-one, sections thirty-one to forty-six, sections fifty to fifty-six, in subsection (1) of section sixty-five the definitions of "clearing", "ecclesiastical property", "first local advertisement", "interim development application", "interim development authority", "loan charges", "local highway authority", "local planning authority", "planning scheme", "purchase order providing for expedited completion", "Valuation Office" and "war damage"; subparagraphs (1) (a), (1) (b) and (1) (d) of paragraph 1, and the word "or" at the end of subparagraph (a) and subparagraph (b) of paragraph 3 of the First Schedule, the Second and Third Schedules, paragraphs 1 to 8 and 10 of the Fifth Schedule, and paragraph 12 of the Sixth Schedule.
8 & 9 Geo. 6. c. 15.	The Licensing Planning (Temporary Provisions) Act, 1945.	Subsection (5) of section ten and subsections (2) and (3) of section thirteen.
8 & 9 Geo. 6. c. 36.	The Distribution of Industry Act, 1945.	Sections six, nine and ten.
9 & 10 Geo. 6. c. 18.	The Statutory Orders (Special Procedure) Act, 1945.	In section eight, in subsection (2), paragraph (a) and the words from "requirements imposed" to the words "by order, and the". In the Second Schedule, in the amendments of the Town and

9TH SCH.
—cont.

Session and Chapter.	Enactment repealed.	Extent of repeal.
9 & 10 Geo. 6. c. 18 —cont.	The Statutory Orders (Special Procedure) Act, 1945—cont.	Country Planning Act, 1944, the words "subsections (4) and (5) of section thirteen," "subsections (1) and (2) of section fourteen," "subsection (3) of section thirty-five," and "paragraphs (d) and (e) of subsection (1) of section thirty-six,"; and the words from "section sixteen" to "were omitted".
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act, 1946.	In section three, the proviso to subsection (2) and subsection (3); in section four, in subsection (2) the words from "and without prejudice" to the end of the subsection; in section eight, subsection (5); in section twelve, subsection (2); and in the Third Schedule, in the amendment of section four of the Trunk Roads Act, 1936, the words from the beginning to "as the case may be".
9 & 10 Geo. 6. c. 35.	The Building Restrictions (War-Time Contraventions) Act, 1946.	Subsection (2) of section four.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act, 1946.	Paragraph (c) of subsection (4) of section one; in section two, in subsection (1) the words "or of the Town and Country Planning Act, 1944", and in subsection (4) the words "the Town and Country Planning Act, 1944"; in the First Schedule, sub-paragraph (2) of paragraph 15, and in the Second Schedule, in paragraph 9 the words "or in subsection (4) of section eighteen of the Town and Country Planning Act, 1944."
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Subsections (3) and (4) of section three and the Third Schedule.

TENTH SCHEDULE.

**TRANSITORY PROVISIONS AND PROVISIONS CONSEQUENTIAL
ON REPEALS.**

1. Any application for permission to develop land made to the interim development authority before the appointed day under section ten of the Act of 1932, and any application for permission to develop land made to the responsible authority under a planning scheme, being in either case an application which has not been determined by that authority before that day, shall be treated for the purposes of this Act as an application made to the local planning authority for planning permission for the like development, and shall be treated as having been so made on the appointed day.

2. Where an application for any such permission as aforesaid, made to the interim development authority or the responsible authority before the appointed day, has been determined by that authority before that day and no appeal has been brought against the decision, then if the period during which such an appeal could have been brought before the appointed day has not expired, the decision of the interim development authority or the responsible authority, as the case may be, shall be treated for the purposes of section sixteen of this Act as the decision of a local planning authority on an application for planning permission.

3. Any appeal to the Minister from the decision of the interim development authority or the responsible authority on any such application as aforesaid which is pending on the appointed day shall be treated as an appeal to the Minister under section sixteen of this Act :

Provided that where under subsection (5) of section ten of the Act of 1932, any such hearing as is required by that subsection has been held before the appointed day, the proviso to subsection (2) of section fifteen of this Act shall not apply in relation to the appeal.

4. Any direction given before the appointed day under section six of the Town and Country Planning (Interim Development) Act, 1943, requiring any such application as aforesaid to be referred to the Minister shall be treated as a direction given by the Minister to the local planning authority under section fifteen of this Act :

Provided that where, under section six of the Town and Country Planning (Interim Development) Act, 1943, any such hearing as is required by that section has been held before the appointed day, the proviso to subsection (2) of section fifteen of this Act shall not apply in relation to the application.

5. Any application for consent for the development of land made by a local authority before the appointed day under section thirty-two of the Act of 1944 which has not been finally determined before that day shall be treated for the purposes of this Act as if it were an application for planning permission for the like development made by a local planning authority in pursuance of regulations made under section thirty-five of this Act.

10TH SCH.
—*cont.*

6. Any order made before the appointed day by an authority empowered in that behalf by an interim development order in pursuance of subsection (8) of section ten of the Act of 1932 and any order made before that day by the Minister under subsection (2) of section thirty-nine of the Act of 1944, shall continue in force after that day and have effect as if it were included in a development order in pursuance of subsection (4) of section thirteen of this Act.

7. Notwithstanding the repeal by this Act of the Act of 1932, any scheme made under that Act and any such scheme as is mentioned in section fifty-four of that Act, being a scheme which is in force immediately before the appointed day shall, so far as it relates to the following matters, that is to say—

- (a) the designation of responsible authorities, and the constitution of joint bodies as responsible authorities ;
- (b) the preservation of trees and the protection of woodlands ;
- (c) the control of advertisements in areas protected under section forty-seven of the Act of 1932 ;
- (d) the execution of street works, and the recovery of charges in respect thereof, by the responsible authority ; and
- (e) the suspension of any enactment contained in a local Act or of any bylaws, orders or regulations ;

continue in force until it is determined, in relation to any such matter as aforesaid, by an order made by the Minister, and the provisions of that Act, or of the Town Planning Act, 1925, as the case may be, shall have effect in relation to any such scheme accordingly. 15 & 16 Geo. 5.
c. 16

8. Any order made by the Minister under the last foregoing paragraph may make such provision as the Minister considers expedient for winding up the scheme, including provision—

- (a) for the dissolution of any joint body constituted as the responsible authority thereunder ;
- (b) for the transfer to such authorities as may be prescribed by the order of officers, property, rights and liabilities of any such body, and for the compensation of any such officers.

9. Notwithstanding the repeal by this Act of section seventeen of the Act of 1932 and sections forty-two and forty-three of the Act of 1944—

- (a) any order made by a local planning authority or by the council of any county district under the said section seventeen

10TH SCH.
—*cont.*

which is in force immediately before the appointed day shall so far as is consistent with the provisions of section twenty-nine of this Act, continue in force and have effect as if it had been made by the local planning authority under that section; and any such order may be amended or revoked under this Act accordingly;

- (b) any list compiled or approved by the Minister under the said section forty-two before the appointed day shall continue in force and have effect as if it had been compiled or approved by him under section thirty of this Act, and may be amended under that section accordingly, and subsection (3) of the said section thirty shall apply to any copy of any such list or of amendments thereto deposited before the appointed day with the clerk of the council of any county borough or county district.

10. Subject as hereinafter provided, any agreement for restricting the planning, development or use of land made under section thirty-four of the Act of 1932 with any such authority as is mentioned in subsection (2) of that section, or made or having effect as if made under a planning scheme with the responsible authority for the purposes of the scheme, shall, if in force on the appointed day, continue in force in accordance with the terms thereof and may be enforced under the said section thirty-four or under the scheme, as the case may be:

Provided that—

- (a) nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which any such agreement applies, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan or in accordance with any directions which may have been given by the Minister under section thirty-six of this Act, or as requiring the exercise of any such powers otherwise than as aforesaid;
- (b) if the Minister is satisfied, on application made to him by any person being a party to any such agreement, or a person entitled to land affected thereby or by the local planning authority, that any restriction on the development or use of the land imposed by the agreement is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient;
- (c) without prejudice to the provisions of the foregoing paragraph, if any person being a party to any such agreement (whether as originally made or as modified under the foregoing paragraph), or a person entitled to land affected thereby, claims that the agreement ought to be modified or rescinded having regard to the provisions of this Act or anything done thereunder, he may refer to arbitration the question whether the agreement should be so modified or rescinded, and the arbitrator may make such award as appears to him to be just having regard to all the circumstances.

11. Where any such agreement as is mentioned in the last foregoing paragraph is modified or rescinded (whether by agreement or by virtue of the exercise of any powers conferred by sub-paragraph (b) or (c) of the proviso to that paragraph) at any time within three years after the appointed day, then if it appears to the Minister that it is reasonable so to do having regard to the terms on which the agreement was made and to any loss or damage sustained by any person having an interest in land affected by the agreement by reason of the provisions of this Act or of anything done thereunder, he may direct that the development value of that interest in the land, or in any part thereof, shall be calculated for the purposes of Part VI of this Act as if the agreement had been so modified or rescinded immediately before the appointed day.

12. The repeal of section fifty-one of the Act of 1932 shall not affect the rights of any person arising under that section in consequence of any event occurring before the appointed day.

13. Provision may be made by regulations under this Act for securing—

- (a) that any application to a highway authority under the Restriction of Ribbon Development Act, 1935, for any consent which that authority have power to give under section one or section two of that Act, being an application which has not been determined by that authority before the appointed day, shall be treated for the purposes of this Act as an application made to the local planning authority for planning permission, and shall be treated as having been so made on the appointed day;
- (b) that any decision of a highway authority on an application for such a consent under the Restriction of Ribbon Development Act, 1935, shall, unless the applicant has appealed against that decision under section seven of that Act before the appointed day, be treated for the purposes of section sixteen of this Act as the decision of a local planning authority on an application for planning permission; and
- (c) that any appeal to the Minister of Transport under the said section seven which is pending on the appointed day shall be treated as an appeal to the Minister under section sixteen of this Act:

Provided that where under the said section seven any such local inquiry as is required by that section has been held before the appointed day, the proviso to subsection (2) of section fifteen of this Act shall not apply in relation to any such appeal.

14. Notwithstanding the repeal by this Act of the Restriction of Ribbon Development (Temporary Development) Act, 1943, an Order in Council may be made under subsection (6) of section one of that Act for appointing the date on which the present war period within the meaning of that Act is to end.

15. Notwithstanding the repeal by this Act of section eight of the Town and Country Planning (Interim Development) Act, 1943, any order made by an interim development authority under that section for the preservation of trees and woodlands pending the coming into

10TH SCH.
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10TH SCH.
—cont.

operation of a scheme under the Act of 1932, being an order which is in force immediately before the appointed day, shall, so far as is consistent with the provisions of section twenty-eight of this Act, continue in force and have effect as if it had been made by the local planning authority under that section, and as if for references therein to the interim development authority there were substituted references to the local planning authority; and any such order may be amended or revoked under this Act accordingly.

16. Where, at any time before the appointed day, application has been made to the Minister for an order under section one of the Act of 1944 declaring any land to be subject to compulsory purchase under Part I of that Act, the Minister may, if he thinks fit, direct that proceedings on the application shall be continued under that Act after that day; and where any such direction is given, section one of the Act of 1944, and section thirteen of that Act and the First Schedule to that Act so far as they relate to an order under the said section one, shall continue to apply in relation to the application, and an order may be made thereon accordingly.

17. Where any order has been made before the appointed day under section one of the Act of 1944 declaring any land to be subject to compulsory purchase under Part I of that Act or where any such order has been made after the appointed day by virtue of the last foregoing paragraph, the provisions of Part IV of this Act shall apply as if the land were comprised in an area defined by the development plan under Part II of this Act as an area of comprehensive development, and were designated as subject to compulsory acquisition under this Act by the appropriate local authority, and section sixteen of the Act of 1944 (which relates to the validity and date of operation of such orders) shall, notwithstanding the repeal of that section, apply in relation to any such order:

Provided that—

- (a) this paragraph shall not apply to any operational land of statutory undertakers unless an order made under paragraph (b) of subsection (5) of section thirteen of the Act of 1944 declaring that it is expedient that the land should be subject to compulsory purchase has taken effect;
- (b) nothing in this paragraph shall be construed as restricting the power of the Minister of Works or the Postmaster General to acquire any land to which this paragraph applies under subsection (2) of section thirty-seven of this Act.

18. Any compulsory purchase order made or prepared in draft under Part I of the Act of 1944 before the appointed day may be confirmed or made in accordance with the provisions of that Part after that day, and any such order, and any compulsory purchase order confirmed or made under that Part before the appointed day, shall continue in force and have effect as if it had been made under the Acquisition of Land (Authorisation Procedure) Act, 1946 as applied by Part IV of this Act.

19. For the purposes of the Act of 1944 as amended by this Act—

10TH SCH.

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- (a) any land acquired by a Minister in pursuance of any such order as is mentioned in the last foregoing paragraph shall be deemed to have been acquired under section thirty-seven of this Act ;
- (b) any land acquired by a local authority in pursuance of any such order as aforesaid shall be deemed to have been acquired under section thirty-eight of this Act ;
- (c) any land acquired by a local authority by agreement under the Act of 1944 shall be deemed to have been acquired under section forty of this Act.

20. The Secretary of State may by order revoke or vary any order made under the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946, so far as may be necessary or expedient in consequence of the provisions of this Act amending those Acts, or in consequence of any order made under section four of this Act constituting a joint board as the local planning authority in any area which comprises, or the whole or part of which is included in, a licensing planning area, but subject as aforesaid nothing in this Act or in any order made under the said section four shall affect the validity of any order made under the said Acts before the appointed day, or before the date of the order under the said section four, as the case may be, or of anything done under any such order.

ELEVENTH SCHEDULE.

Section 113.

UNREPEALED PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT, 1944, REPRINTED AS AMENDED BY THIS ACT.

15. Where land purchased under Part IV of the Town and Country Planning Act, 1947, not being land comprised in a licensing planning area within the meaning of the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946, comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect :—

Provisions as to
purchase of
licensed
premises.

- (a) the purchasing authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will repay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1920, such contribution as may be specified in the undertaking, and any sum payable by the purchasing authority in pursuance of such an undertaking shall be treated as part of their expenses in purchasing the land ;
- (b) if, after purchasing or contracting to purchase the premises, the purchasing authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority and that authority, on being satisfied that the licence, if not

10 Edw. 7 &
1 Geo. 5. c. 24.

11TH SCH.
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Disposal or appropriation by local authorities of land held by them for purposes of Part IV of the Town and Country Planning Act, 1947.

surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the purchasing authority in respect of the purchase of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

19.—(1) The following provisions of this section shall have effect with respect to the disposal or appropriation by a local authority of land which has been acquired under section thirty-eight or section forty of the Town and Country Planning Act, 1947, or appropriated for purposes for which land can be acquired under those sections, and is for the time being held by the authority for the purposes for which it was acquired or appropriated.

(2) Subject to the provisions of subsections (4) and (5) of this section, the authority may dispose of any such land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

(3) Subject to the provisions of subsection (4) of this section, the authority may appropriate any such land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment other than Part IV of the Town and Country Planning Act, 1947, and, in relation to an appropriation under this subsection, subsections (2) and (3) of section one hundred and sixty-three of the Local Government Act, 1933, and subsections (2) and (3) of section one hundred and six of the London Government Act, 1939 (which relate to the operation of section sixty-eight of the Lands Clauses Consolidation Act, 1845, and to adjustments in accounts, on appropriations under those sections respectively) shall have effect as they have effect in relation to appropriations under those sections respectively.

(4) The consent of the Minister shall be requisite to any disposal or appropriation of land by a local authority under this section, and may be given as respects either a particular disposal or appropriation or disposals or appropriations of any class, and either subject to or free from any conditions or limitations.

(5) The consent of the Minister to a sale by a local authority under this section of the freehold in any land, or to a lease by them thereunder of any land for a term of more than ninety-nine years, shall not be given unless he is satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient as mentioned in subsection (2) of this section.

(6) The powers conferred by this section on a local authority in respect of the disposal of land thereunder, and on the Minister in respect of consent to such disposal, shall, in the case of land

comprised in an area defined by a development plan as an area of comprehensive development or of land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate authority, be so exercised as to secure so far as may be practicable to persons who were living or carrying on business or other activities, on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

11TH SCH.
—cont.

(7) If it appears to the Minister that it is expedient as mentioned in subsection (2) of this section that a local authority should dispose of land under this section to any person and the authority have refused to dispose of it to him or are unable to reach agreement with him as to the manner in which or the terms or conditions on or subject to which it is to be disposed of to him, the Minister may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him :

Provided that the authority shall not be required by any such directions (except to such extent as may appear to the Minister to be requisite in any particular case for giving effect to the last preceding subsection) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made, so, however, that in estimating the best consideration any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded, and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Minister and the authority or, in default of agreement, by an official arbitrator to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(8) In the exercise of the powers conferred by this section, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular buildings included in any list compiled or approved under the provisions of section thirty of the Town and Country Planning Act, 1947, and the Minister shall not give his consent to the disposal or appropriation under this section of any land comprising a building included in such a list unless either—

- (a) the consent is given subject to such conditions or limitations as in the opinion of the Minister will secure the preservation of the building ; or
- (b) the Minister is satisfied, after causing such particulars as appear to him requisite of the disposal or appropriation for which his consent is sought to be published by Gazette and

11TH SCH.
—cont

local advertisement not less than twenty-eight days before he gives his decision on the application for his consent, that the purpose which the local authority seek to achieve by the proposed exercise of their powers under this section is one which ought in the public interest to be carried out, and either that the preservation of the building would prevent the carrying out of that purpose, whether by the use of the land in question or otherwise, or that the effect of preserving the building on the carrying out as aforesaid of the said purpose would be such that notwithstanding the desirability of preserving the building it is inexpedient so to do.

In this subsection the expression "preservation," in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

(9) In this section references to disposal of land shall be construed as references to disposal thereof in any manner (otherwise than by appropriation) whether by way of sale, exchange or lease, by the creation of any easement, right or privilege, or in any other manner, except disposal by way of gift, mortgage or charge.

(10) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of subsection (1) of section one hundred and sixty-three and sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933, or of subsection (1) of section one hundred and six and sections one hundred and seven and one hundred and eight of the London Government Act, 1939, as the case may be.

(11) Section one hundred and sixty-six of the Local Government Act, 1933, and section one hundred and nine of the London Government Act, 1939 (which relate to the application of capital money received from the disposal of land) shall have effect as respects capital money received in respect of transactions under the provisions of this section relating to the disposal of land as they have effect in relation to capital money received in respect of such transactions as are mentioned in those sections respectively.

Power of local authorities to carry out development of land held by them for purposes of Part IV of the Town and Country Planning Act, 1947.

20.—(1) The functions of a local authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of such a body by virtue of its constitution, to erect, construct or carry out on any such land as is mentioned in subsection (1) of section nineteen of this Act, any building or work not being a building or work for the erection, construction or carrying out of which, whether by them or by any other person, statutory power already exists by virtue of or under an enactment other than Part IV of the Town and Country Planning Act, 1947, or could be conferred under an enactment other than Part IV of the Town and Country Planning Act, 1947.

(2) The consent of the Minister shall be requisite to any exercise by a local authority of the power conferred on them by the preceding

subsection, and may be given as respects either a particular operation or operations of any class, and either subject to or free from any conditions or limitations.

11TH SCH.
—cont.

(4) Where a local authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Minister of their proposal, and the Minister may direct such advertisement by the authority as appears to him to be requisite for the purposes of subsection (2) of this section.

(5) The functions of a local authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain and insure any buildings or works on such land as is mentioned in the said subsection (1), and generally to deal therewith in a proper course of management.

(6) Subsection (8) of the last preceding section shall apply to the power conferred on a local authority by subsection (1) of this section as it applies to the powers conferred by that section, with the substitution for references to the disposal of land of references to the carrying out of any such operation as is mentioned in subsection (1) of this section.

(7) A local authority may, with the consent of the Minister, enter into arrangements with an authorised association, as defined in section thirty-five of the Town and Country Planning Act, 1932, for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements:

Provided that nothing in this subsection shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from this subsection.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any ground other than such limitation as is mentioned in subsection (1) of this section.

22.—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, or which has been acquired by the Central Land Board under section forty-three of the Town and Country Planning Act, 1947, whether done by the local authority or by any person deriving title under the local authority or under the Board, as the case may be, shall be deemed to be authorised by this section if it conforms with planning control, notwithstanding that it involves interference with any easement or other servitude or breach of any restriction as to the user of land arising by virtue of any contract, but subject to payment of compensation under section sixty-three or sixty-eight of the Lands Clauses Consolidation Act, 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in

Authorisation of development on land acquired for purposes of Part IV of the Town and Country Planning Act, 1947, notwithstanding interference with easements, etc.

11TH SCH.
—cont.

respect of injurious affection where the compensation is to be estimated in connection with a purchase under that Act or the injury arises from the execution of works on land acquired under that Act :

Provided that nothing in this subsection shall authorise interference with any such right as is mentioned in section twenty-five of this Act.

(2) Any liability of a person deriving title under the local authority by whom the land in question was acquired or appropriated, or under the Central Land Board, to pay such compensation as aforesaid which that person fails to discharge shall be enforceable against that authority, or against the Board, as the case may be :

Provided that nothing in this subsection shall be construed as affecting any agreement between the authority or Board and any other person for indemnifying the authority or Board against any liability under this subsection.

(3) For the purposes of subsection (1) of this section, the erection, construction or carrying out, or maintenance, of any building or work shall be treated as conforming with planning control if it is done in accordance with permission granted under Part III of the Town and Country Planning Act, 1947, and not otherwise.

(4) Nothing in this section shall be construed as authorising any Act or omission on the part of a local authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person which is actionable at the suit of any person on any ground other than such interference or breach as is mentioned in subsection (1) of this section.

(5) In this section the expression "servitude" means any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, and includes a natural right to support.

Power to
extinguish
highways over
land acquired
for purposes
of Part IV of
the Town and
Country
Planning Act,
1947.

23.—(1) The Minister may by order extinguish any public right of way over any such land as is mentioned in subsection (1) of section nineteen of this Act if he is satisfied that an alternative right of way has been or will be provided or that the provision thereof is not required.

(2) The Sixth Schedule to the Town and Country Planning Act, 1947, shall apply to an order under this section as it applies to an order under section forty-nine of that Act, and the said Schedule shall, in its application to an order under this section, have effect as if for any reference therein to the Minister of Transport there were substituted a reference to the Minister.

(3) The Minister of Transport, or a local highway authority may be authorised to purchase land compulsorily for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under this section ; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this subsection and accordingly shall have effect—

(a) as if this subsection had been in force immediately before the commencement of that Act ;

(b) as if this subsection were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act :

Provided that section two of the said Act shall not apply to the compulsory acquisition of land under this subsection.

11TH SCH.
—cont.

(4) Where on the application of a local authority an order is made under this section extinguishing a public right of way, and at the time of publication of the notice required by paragraph 1 of the Sixth Schedule to the Town and Country Planning Act, 1947, there was under, in, upon, over, along, or across the land over which the right of way subsisted any telegraphic line belonging to or used by the Postmaster-General,—

- (a) the power of the Postmaster-General to remove the line shall be exercisable notwithstanding the making of the order, so however that the said power shall not be exercisable, as respects the whole or any part of the line, after the expiration of a period of three months from the date on which the right of way is extinguished unless before the expiration of that period the Postmaster-General has given notice to the local authority of his intention to remove the line or that part thereof, as the case may be ;
- (b) the Postmaster-General may by notice to the local authority in that behalf abandon the said line or any part thereof, and shall be deemed, as respects the line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) the Postmaster-General shall be entitled to recover from the local authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster-General may require ;
- (d) where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line, it shall vest in the local authority, and the provisions of the Telegraph Acts, 1863 to 1943, shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

In this subsection the expression “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878.

41 & 42 Vict.
c. 76.

(5) Regulations made under the Town and Country Planning Act, 1947, may provide for securing that any proceedings required to be taken for the purposes of an order under this section may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or for securing that any proceedings required to be taken for the purposes of the acquisition of any other land under subsection (3) of this section may be taken concurrently with either or both of the said proceedings.

11TH SCH.
—cont.

Extinguishment of private ways, and rights as to apparatus, over or in land purchased for purposes of Part IV of the Town and Country Planning Act, 1947.

24.—(1) Upon the completion by the purchasing authority of a compulsory purchase under Part IV of the Town and Country Planning Act, 1947, of any land, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on under or over the land shall be extinguished and any such apparatus shall vest in the purchasing authority :

Provided that this section shall not apply to any right vested in, or any apparatus belonging to, the person carrying on a statutory undertaking for the purpose of the carrying on thereof, and shall have effect as respects other matters subject to any direction given by the purchasing authority before the completion of the purchase that this section shall not apply to any right or apparatus specified in the direction and subject to any agreement which may be made (whether before or after the completion of the purchase) between the purchasing authority and the person in or to whom the right or apparatus in question is vested or belongs.

(2) Any person who suffers loss by the extinguishment of any right or the vesting of any apparatus under this section shall be entitled to be paid by the purchasing authority compensation, to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Expenses incurred by a Minister or the Central Land Board in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.

25.—(1) Where there subsists over land which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, any right of way or any right of laying down, erecting, continuing or maintaining any apparatus on under or over the land, or there is on under or over any such land any apparatus, vested in or belonging to the person carrying on a statutory undertaking for the purpose of the carrying on thereof, the purchasing or appropriating authority may serve on the said person a notice that at the expiration of such period as may be specified in the notice the right will be extinguished, or requiring that before the expiration of such period as may be so specified the apparatus shall be removed.

(2) A person on whom a notice is served under the preceding subsection may before the expiration of twenty-eight days from the service of the notice serve a counter-notice on the purchasing or appropriating authority stating that he objects to all or any of the provisions of the notice and specifying the grounds of his objection.

(3) If no counter-notice is served under the last preceding subsection, any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and if at the end of the period so specified in relation to any apparatus any requirement of the notice as to the removal of the apparatus has not been complied with, the purchasing or appropriating authority may remove the apparatus and dispose thereof in any way they or he may think fit.

(4) If a counter-notice is served under subsection (2) of this section on a local authority or on statutory undertakers, the authority or undertakers may either withdraw the notice (without prejudice, however, to the service of a further notice) or apply to the Minister and the appropriate Minister for an order embodying, either with or without modification, the provisions of the notice, and the Minister and the appropriate Minister may if they think fit, after affording to the person carrying on the undertaking on whom the notice was served under subsection (1) of this section an opportunity of objecting to the application and, if any objection is made, after considering the objection and affording to the said person and to the authority or undertakers on whom the counter-notice was served an opportunity of appearing before and being heard by a person appointed by the Minister and the appropriate Minister for the purpose, make an order in accordance with the application, either with or without modification.

(5) If a counter-notice is served under subsection (2) of this section on a Minister or the Central Land Board, either he or they may withdraw the notice (without prejudice, however, to the service of a further notice) or he or they and the appropriate Minister may make an order embodying, either with or without modification, the provisions of the notice.

Where a Minister and the appropriate Minister, or the Central Land Board and the appropriate Minister, propose to make an order under this subsection, they shall prepare a draft of the order and shall afford to the person carrying on the undertaking an opportunity of objecting to the proposal and, if any objection is made, shall consider the objection and afford to the said person an opportunity of appearing before and being heard by a person appointed by them for the purpose, and may then make an order in accordance with the draft, either with or without modification.

(6) Subsection (3) of this section shall apply to an order made under either of the two last preceding subsections as it applies to a notice in respect of which no counter-notice is served, but with the substitution for references to a notice of references to an order.

(7) Where an objection to an order under subsection (4) or (5) of this section is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(8) In respect of the extinguishment of any right, or the imposition of any requirement, under this section the person carrying on a statutory undertaking shall be entitled to recover from the purchasing or appropriating authority at whose instance the right was extinguished or the requirement was imposed compensation in accordance with Part I of the Fourth Schedule to this Act.

(9) Expenses incurred by a Minister or the Central Land Board in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

26.—(1) Where it appears to the Minister and the appropriate Minister, on a representation made by the person carrying on a statutory undertaking that—

(a) in order to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for any

Extension and
modification of
powers and
duties of
statutory
undertakers.

11TH SCH.
—cont.

purpose in connection with which a local authority or Minister may be authorised under Part IV of the Town and Country Planning Act, 1947, to acquire land, or

- (b) in order to facilitate any adjustment of the carrying on of the undertaking necessitated by the acquisition under Part IV of the Town and Country Planning Act, 1947, of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking, or necessitated by the extinguishment of any right, or the imposition of any requirement, under the last preceding section, or necessitated by a decision on an application made under Part III of the Town and Country Planning Act, 1947, by a person carrying on the undertaking for permission to develop any such land or by the revocation or modification of permission granted on such an application or by the making of an order under section twenty-six of that Act in relation to any such land,

it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Minister and the appropriate Minister may by order provide for such extension or modification of the said powers and duties as appears to them to be requisite in order to secure the provision of services as mentioned in paragraph (a) of this subsection, or to facilitate the adjustment of the undertaking as mentioned in paragraph (b) of this subsection, as the case may be.

(2) Without prejudice to the generality of the provisions of the preceding subsection, an order under the preceding subsection may provide—

- (a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land specified in the order and to erect or construct any buildings or works so specified ;
- (b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works ;
- (c) for giving effect, where it has been represented that the making of the order is expedient for the purposes of paragraph (a) of the preceding subsection, to such financial arrangements between the local authority or Minister and the person carrying on the undertaking as they may agree or, in default of agreement, as may be determined to be equitable in such manner and by such tribunal as may be specified in the order ;

and for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

(3) As soon as may be after making a representation under subsection (1) of this section, the person carrying on the undertaking in question shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such

particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

(4) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the Minister and the appropriate Minister may, if they think fit, make an order.

(5) A local authority or Minister may represent to the Minister and the appropriate Minister that the making of an order under subsection (1) of this section as respects any statutory undertaking is expedient for the purpose of securing the provision of new services, or the extension of existing services, for any purpose in connection with which the local authority or Minister may be authorised under Part IV of the Town and Country Planning Act, 1947, to acquire land, and where such a representation is made the preceding provisions of this section shall have effect as if the representation had been made by the person carrying on the undertaking in question, but with the substitution in subsection (3) for the reference to the person carrying on the undertaking of a reference to the local authority or Minister.

(6) An order under this section shall be subject to special parliamentary procedure.

27.—(1) Where on a representation in that behalf made by the person carrying on a statutory undertaking the appropriate Minister is satisfied that—

- (a) the compulsory purchase under Part IV of the Town and Country Planning Act, 1947, of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking;
- (b) a decision on an application under Part III of the said Act by a person carrying on the undertaking for permission to develop any such land, or the revocation or modification of permission granted on such an application, or the making of an order under section twenty-six of that Act in relation to any such land; or
- (c) the extinguishment under Part IV of that Act of any right, or the imposition of any requirement as to the removal of apparatus, vested in or belonging to the said person,

has rendered impracticable the fulfilment of any obligation of the said person incurred in connection with the carrying on of the undertaking, the appropriate Minister may by order direct that the said person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

(2) As soon as may be after making a representation to the appropriate Minister under the preceding subsection, the person carrying on the undertaking in question shall, as may be directed by the appropriate Minister, either publish, in such form and manner as may be so directed, a notice giving such particulars as may be so

11TH SCH.
—cont.

Relief of
statutory
undertakers
from obligations
rendered
impracticable
by exercise of
powers of
the Town and
Country
Planning Act,
1947.

11TH SCH.
—cont.

directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

(3) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the appropriate Minister may, if he thinks fit, make an order.

(4) If any objection to the making of an order under this section is made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(5) In relation to an order made under this section subsections (1) to (3) of section eleven of the Town and Country Planning Act, 1947, shall apply, subject to any necessary modifications, as they apply in relation to a development plan approved by the Minister under that Act, and accordingly the said subsection (1) shall have effect as if for the reference therein to the local planning authority there were substituted a reference to the appropriate Minister:

Provided that where any such order is subject to special parliamentary procedure, then—

- (a), if the order is confirmed by Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, subsections (2), and (3) of the said section eleven shall not apply;
- (b) in any other case those subsections shall have effect in relation to the order as if in subsection (2) for the reference to the date on which the notice required by subsection (1) of the said section eleven is first published there were substituted a reference to the date on which the order becomes operative under section six of the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from “and shall become operative” to the end of the subsection were omitted.

Authorisation
of use and
development
of consecrated
land, and burial
grounds, not-
withstanding
restrictions.

28.—(1) Any consecrated land, whether or not including any building, which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, may, subject to the provisions of this section, be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

- (a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise as respects such land :

11TH SCH.
—cont.

Provided that the provisions of subsection (4) of this section shall have effect to the exclusion of the provisions of this subsection as respects consecrated land being or forming part of a burial ground.

(2) Any use of consecrated land authorised by the preceding subsection, and the use of any land, not being consecrated land, acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included any church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains and the disposal of monuments or other memorials and of fixtures and furnishings, and, in the case of consecrated land, subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship or any part thereof, remains on the land.

(3) Any regulations made for the purposes of the last preceding subsection—

(a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment other than this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure ;

(b) shall contain requirements relating to the disposal of any such land as is mentioned in the last preceding subsection such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land ; and

(c) may contain such incidental and consequential provisions (including provisions as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.

(4) Any land consisting of a burial ground or part of a burial ground which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, may be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

(a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or

(b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

11TH SCH.
—*cont.*

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise as respects burial grounds :

Provided that this subsection shall not have effect as respects any such land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, tombstones or other memorials, in or upon the land have been complied with.

(5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to the last preceding subsection—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any tombstones, monuments or other memorials ;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any tombstone, monument or other memorial commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed ;
- (c) for requiring compliance with such reasonable conditions, if any, as may be imposed, in the case of consecrated ground, by the Bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any tombstones, monuments or other memorials, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

Any expenses incurred by a government department or the Central Land Board under paragraph (b) of this subsection shall be defrayed out of moneys provided by Parliament.

20 & 21 Vict.
c. 81.

(6) Subject to the provisions of any such regulations as aforesaid, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal and disposal of any tombstones, monuments or other memorials, and the provisions of section twenty-five of the Burial Act, 1857 (which prohibits the removal of human remains without a licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(7) In this section—

- (a) the expression “ burial ground ” includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purpose of interment ;
- (b) references to conformity with planning control shall be construed in accordance with subsection (3) of section

twenty-two of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

11TH SCH.
—cont.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or (4) of this section.

29.—(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, may be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

Authorisation of use and development of open spaces, etc., notwithstanding restrictions.

(a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or,

(b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to land of that kind, including any enactment, whether public general or local or private, by which any such land is specially regulated.

(2) In this section—

(a) the expressions “common”, “open space” and “fuel or field garden allotment” have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946;

(b) the reference to conformity with planning control shall be construed in accordance with subsection (3) of section twenty-two of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

(3) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in subsection (1) of this section.

11TH SCH.
—cont.

Provisions as to
displacements
from land
acquired for
purposes of
Part IV of the
Town and
Country
Planning Act,
1947.

26 Geo. 5. &
1 Edw. 8. c. 51.

30.—(1) Where the carrying out of redevelopment on any such land as is mentioned in subsection (1) of section nineteen of this Act will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

(2) Section one hundred and thirty-seven of the Housing Act, 1936 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition by a local authority under section thirty-eight of the Town and Country Planning Act, 1947.

(3) If the Minister certifies that possession of any house which has been acquired or appropriated and is for the time being held by a local authority as is mentioned in subsection (1) of section nineteen of this Act, is immediately required for the purposes for which it was acquired or appropriated, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall be deemed to prevent the acquiring or appropriating authority from obtaining possession of the house.

(4) Where possession of any building, or any part of a building, on land which has been acquired or appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act or which has been acquired by the Central Land Board or a Minister under Part IV of the Town and Country Planning Act, 1947, is required by them or him for the purposes for which it was acquired or appropriated, then, whatever may be the value or rent of the building or part of a building, they or he may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired or has been determined.

(5) A local authority, the Central Land Board or a Minister may pay to any person who is displaced in the carrying out of redevelopment on land which has been acquired by the local authority, Board or Minister under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by the local authority as mentioned in subsection (1) of section nineteen of this Act, such reasonable allowance as they think fit towards his expenses in removing, and to a person carrying on any business in a building from which he is so displaced they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance to his business consequent on his having to quit the building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his business and the availability of other premises suitable for that purpose.

Provisions as to
borrowing for
purposes of the
Town and
Country
Planning Act,
1947.

47.—(1) The power of the Public Works Loan Commissioners to make loans under section nine of the Public Works Loans Act, 1875, shall include power to make loans to a local authority for the purpose of the discharge by them of their functions under the Town and Country Planning Act, 1947.

(2) Notwithstanding anything in section three of the London County Council (Finance Consolidation) Act, 1912, the manner in which the London County Council may borrow shall include, in the case of money borrowed by them for the purpose aforesaid, borrowing from the said Commissioners in accordance with the Public Works Loans Acts, 1875 to 1882.

111TH SCH.
—cont.
38 & 39 Vict.
c. 89.
2 & 3 Geo. 5.
c. cv.

(3) So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, it shall not be lawful to exercise the powers of borrowing conferred by virtue of this Act without such consent.

49. Nothing in the Town and Country Planning Act, 1947, shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if the Town and Country Planning Act, 1947, had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Minister of Transport.

Works below
high-water
mark.

63.—(1) In this Act, except where the context otherwise requires, the expression “prescribed” means prescribed by regulations made by the Minister.

Regulations.

(2) Any regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which the regulations are laid before that House resolves that the regulations be annulled the regulations shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

56 & 57 Vict.
c. 66.

64. An official arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, to whose determination any matter is referred under this Act shall have the like powers with respect to procedure, costs and the statement of special cases as he has under that Act.

Powers of
official
arbitrator on
references to
him.

65.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“appropriate Minister,” in relation to a statutory undertaking, has the same meaning as in the Town and Country Planning Act, 1947;

11TH SCH.
—*cont.*

“development” includes re-development ;

“Gazette and local advertisement” means, in relation to an application, order or certificate relating to any land, publication in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated ;

“owner,” in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease of agreement, the unexpired term whereof exceeds three years ;

“purchasing authority” means a Minister, the Central Land Board, a local authority or any statutory undertakers purchasing under Part IV of the Town and Country Planning Act, 1947 ;

“statutory undertaking” has the same meaning as in the Town and Country Planning Act, 1947.

(2) References in this Act to any other enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by this Act or by or under any other enactment.

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to this Act or of any other enactment, is to be deemed to be served.

(4) Any reference in this Act to the Town and Country Planning Act, 1947, or to Part IV of that Act shall be construed as including a reference to any provisions of this Act incorporated with the said Part IV.

Short title and extent. 66.—(1) This Act may be cited as the Town and Country Planning Act, 1944.

(2) This Act shall not extend to Scotland or to Northern Ireland.

Section 114.

TOWN AND COUNTRY PLANNING ACT, 1944.

FIRST SCHEDULE.

PROCEDURE FOR DEALING WITH OBJECTIONS UNDER SECTIONS 26 AND 27.

1.—(1) The following provisions of this Schedule shall have effect where an objection is duly made to the making of an order under section twenty-six or twenty-seven of this Act, and is not withdrawn.

(2) An objection shall not be deemed for the purposes of any of the said enactments or of this Schedule to be duly made unless—

(a) it is made within the time and in the manner specified in the notice required by the relevant enactment referred to in the preceding sub-paragraph, and

(b) the objection comprises, or there is submitted therewith, a statement in writing of the grounds thereof.

11TH SCH.
—cont.

(3) In this Schedule, the expression "the Minister" means the Minister or Ministers having jurisdiction to make or confirm the order in question.

2. Unless the Minister decides apart from the objection not to make or confirm the order, or decides to make a modification agreed to by the person making the objection as meeting the objection, the Minister shall, before deciding whether to make or confirm the order, or what modification if any ought to be made, consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the person making the objection to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

3. In so far as the Minister is satisfied, after considering the grounds of the objection as set out in the original statement and any such further statement, that the objection relates to a matter which can be dealt with by an arbitrator by whom compensation is to be assessed, the Minister may treat the objection as irrelevant for the purpose of his deciding as aforesaid.

4. If after considering the grounds of the objection as set out in the original statement and any such further statement, the Minister is satisfied that he is sufficiently informed, for the purpose of his deciding as aforesaid, as to the matters to which the objection relates, or if where a further statement has been required it is not submitted within the specified period, the Minister may decide as aforesaid without further investigation as to those matters.

5. Subject as mentioned in the two last preceding paragraphs, the Minister shall, before deciding as aforesaid, afford to the person making the objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister, and if he avails himself thereof the Minister shall afford an opportunity of appearing and being heard on the same occasion to the authority or other person (if any) making the application or representation or submitting the order in question and to any other persons to whom it appears to the Minister to be expedient to afford it.

6. Notwithstanding anything in paragraphs 2 to 5 of this Schedule, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he decides as aforesaid, he shall cause such an inquiry to be held, and where he determines to cause such an inquiry to be held any of the requirements of those paragraphs to which effect has not been given at the time when he so determines shall be dispensed with.

11TH SCH.
—cont.

TOWN AND COUNTRY PLANNING ACT, 1944.

FOURTH SCHEDULE.

ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS.

PART I.

Amount of Compensation.

1. The compensation to be paid—

- (a) in respect of any decision given under paragraph 1 of the Fifth Schedule to the Town and Country Planning Act, 1947, refusing permission to develop operational land or granting such permission subject to conditions ;
- (b) in respect of any decision given by a government department under paragraph 2 of that Schedule refusing the authorisation of that department in respect of any development of such land, or directing that permission to develop such land shall be deemed to be granted subject to conditions ;
- (c) in respect of any order made under paragraph 3 of that Schedule revoking or modifying permission to develop such land ;
- (d) in respect of any order made under paragraph 4 of that Schedule in relation to such land ;
- (e) in respect of the extinguishment of any right or the imposition of any requirement, under section twenty-five of this Act as applied for the purposes of Part IV of the said Act ;
- (f) in respect of any such compulsory purchase as is mentioned in subsection (5) of section forty-five of the said Act ;

shall in default of agreement be assessed by the arbitration of the tribunal constituted in accordance with the provisions of Part II of this Schedule, and the amount of the compensation shall be an amount calculated in accordance with the provisions of the next following paragraph :

Provided that, as respects compensation in respect of a compulsory purchase, if, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the purchasing authority that he elects that as respects all or any of the land comprised in the purchase the compensation shall be ascertained in accordance with the enactments, other than rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, which would be applicable apart from the provisions of this Schedule, the compensation shall be so ascertained.

2.—(1) The amount of the said compensation shall, subject to the provisions of this paragraph, be the aggregate of the following amounts, that is to say,—

- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation; and
- (b) where any such adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the said proceeding, together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment; or
- (c) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation; and
- (d) in the case of compensation in respect of the imposition of a requirement under section twenty-five of this Act to remove any apparatus, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value after removal of the apparatus removed.

(2) The amount of any compensation assessed in accordance with the preceding sub-paragraph shall be reduced by such amount (if any) as appears to the tribunal to be appropriate to offset—

- (a) the estimated value of any property (whether moveable or immoveable) belonging to the person carrying on the statutory undertaking in question and used for the carrying on thereof which as the result of any such adjustment as is mentioned in the preceding sub-paragraph ceases to be so used, in so far as the value of the property has not been taken into account under head (d) of the preceding sub-paragraph; and
- (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after any such adjustment has been completed, in so far as that amount has not been taken into account under head (b) of the preceding sub-paragraph and is directly attributable to the adjustment, .

and by any further amount which appears to the tribunal to be appropriate having regard to any increase in the capital value of immoveable property belonging to the person carrying on the statutory undertaking in question which is directly attributable to any such adjustment as aforesaid, allowance being made for any reduction made under head (b) of this sub-paragraph.

FIFTH SCH.
—*cont.*

(3) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances ; and references to an increase in net receipts shall be construed accordingly.

(4) In this paragraph the expression "proceeding giving rise to compensation" means the particular action (that is to say, purchase, extinguishment of a right, imposition of a requirement, refusal of permission, grant of permission subject to conditions, or revocation or modification of permission or order under paragraph 4 of the Fifth Schedule to the Town and Country Planning Act, 1947) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which the action in question may have been taken.

PART II.

Tribunal for assessment of compensation to statutory undertakers.

3.—(1) The tribunal for the assessment of compensation referred to in Part I of this Schedule shall consist of four persons, namely—

- (a) a barrister or solicitor of not less than seven years' standing, appointed by the Lord Chancellor to act as chairman ;
- (b) two persons appointed by the Minister as persons having special knowledge and experience of the valuation of land and of civil engineering respectively ; and
- (c) for each claim coming before the tribunal, a person selected by the appropriate Minister, as a person having special knowledge and experience of statutory undertakings of the kind carried on by the claimant, from the members of a panel appointed by appropriate Ministers of persons appearing to them to have such knowledge and experience of statutory undertakings.

(2) The Treasury may pay out of moneys provided by Parliament to the members of the tribunal such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Treasury may determine.

(3) The provisions of sections three, five and six of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the tribunal and proceedings before the tribunal as they apply in relation to an official arbitrator and proceedings before an official arbitrator, with the substitution for references in the said section five to the acquiring authority of references to the person from whom compensation is claimed and with the modification that rules regulating the procedure before the tribunal shall be made by the Lord Chancellor.

TOWN AND COUNTRY PLANNING ACT, 1944.

TH SCH.
—cont.

FIFTH SCHEDULE.

MODIFICATIONS OF ACQUISITION OF LAND (ASSESSMENT
OF COMPENSATION) ACT, 1919.

9.—(1) As respects any house in the area of a local authority for the purposes of the provisions of Part III of the Housing Act, 1936, relating to clearance areas, which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, and which is comprised—

(a) in land designated by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition; or

(b) in land which is proposed to be acquired compulsorily under subsection (2) of section thirty-seven or subsection (2) of section thirty-eight of that Act;

the local authority for the purposes of the said provisions of the said Part III may make and submit to the Minister of Health an order in such form as may be prescribed by regulations made by the said Minister under section one hundred and seventy-six of the Housing Act, 1936, declaring the house to be in that state, and, if the order is confirmed by him, the compensation to be paid for the house on a compulsory purchase thereof pursuant to any authorisation given under Part IV of the Town and Country Planning Act, 1947, by the Minister having jurisdiction to give such authorisation, either before or within two years after the confirmation by the Minister of Health of the order submitted under this paragraph, shall be assessed in like manner as if it had been land purchased compulsorily under the said Part III of the Housing Act, 1936, as being comprised in a clearance area, and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall accordingly have effect, in its application for the purposes of Part IV of the Town and Country Planning Act, 1947, subject to this provision.

(2) Before submitting an order under this paragraph to the Minister of Health, the local authority shall serve on every owner, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee, of the house or of any part thereof, a notice in such form as may be prescribed as mentioned in the preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the said Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

(3) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the said Minister may, if he thinks fit, confirm the order, but in any other case he shall before confirming the order consider any objection not withdrawn and shall, if either the person by whom the objection was made or the local authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by the said Minister for the purpose, and may then, if he thinks fit, confirm the order.

11TH SCH.
—cont.

(4) Where the provisions of sub-paragraph (1) of this paragraph have effect as to the compensation to be paid for a house on a compulsory purchase thereof under Part IV of the Town and Country Planning Act, 1947, the provisions of section forty-two of the Housing Act, 1936 (which relate to payments in respect of well-maintained houses) shall have effect, as they have effect where a house is made the subject of a compulsory purchase order under the said Part III of the Housing Act, 1936, as being unfit for human habitation, if the Minister of Health is satisfied as mentioned in that section on a representation made to him by a person who would be entitled to any payment under that section or to a share thereof within three months from his first becoming aware that a notice to treat for the purchase of any interest in the house has been served :

Provided that, in the application of that section for the purposes of this sub-paragraph, there shall be substituted, for references therein to the local authority therein mentioned and to the order therein mentioned, references respectively to the purchasing authority and to the order by which the purchase of the house is authorised.

(5) In this paragraph the expression " house " has the same meaning as in the Housing Act, 1936, and in determining for the purposes of this paragraph whether a house is fit for human habitation regard shall be had to the matters to which regard is required by that Act to be had in determining that question for the purposes of that Act, and sections one hundred and fifty-seven and one hundred and fifty-eight of that Act (which relate to the surveying and examination of land) shall have effect as if the powers conferred by this paragraph were powers under that Act.

TOWN AND COUNTRY PLANNING ACT, 1944.

SIXTH SCHEDULE.

PROCEDURE FOR COMPLETION OF COMPULSORY PURCHASE UNDER ORDERS PROVIDING FOR EXPEDITED COMPLETION.

PART I.

Procedure for expedited completion.

1.—(1) Except as provided by sub-paragraph (3) of this paragraph, when a purchasing order providing for expedited completion has come into operation, the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect as if a notice to treat (that is to say, such a notice as is mentioned in section eighteen of the Lands Clauses Consolidation Act, 1845) had been served on every person on whom the purchasing authority could under the terms of that section (and on the assumption of their requiring to purchase or take all the land as respects which this Schedule applies by virtue of the order, and of their having knowledge of all parties referred to in that section) have served such a notice.

11TH SCH.
—cont.

(2) The date on which a notice to treat is to be deemed by virtue of the preceding sub-paragraph to have been served on any party in respect of any interest in land shall be the date on which the order is registered in the register of local land charges by the proper officer of the council mentioned in subsection (2) of section thirty-nine of the Town and Country Planning Act, 1947, in whose area that land is situated.

(3) Notwithstanding anything in sub-paragraph (1) of this paragraph, no notice to treat shall be deemed to be served on any person in respect of an interest being either—

(a) a minor tenancy (that is to say a tenancy for a year or from year to year or any less interest) ; or

(b) a long tenancy which is about to expire (that is to say, a tenancy granted for an interest greater than a minor tenancy but having, at the date when apart from this provision notice to treat would be deemed by virtue of the said sub-paragraph (1) to be served on the owner of the tenancy, still to run only such period longer than a year as may be specified in the order for the purposes of the operation of this provision in relation to the land in which the tenancy subsists, the period which the tenancy has then still to run being ascertained on the assumption that the tenant will exercise any option to renew the tenancy, and will not exercise any option to determine the tenancy, then or thereafter available to him, and that the landlord will exercise any option to determine the tenancy then or thereafter available to him).

(4) The reference in sub-paragraph (1) of this paragraph to the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, is to those enactments as modified by the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, by the Fifth Schedule to this Act, and by paragraph 3 and Part II of this Schedule.

2. The notice of the confirmation of an order authorising compulsory purchase required by the Acquisition of Land (Authorisation Procedure) Act, 1946, to be published shall, in the case of a purchase order providing for expedited completion, include a notification to the effect that every person entitled to claim compensation in respect of any of the land as respects which this Schedule applies by virtue of the order, or in respect of any interest in any such land, is invited to give information to the purchasing authority in such form as may be prescribed of his name and address and of the land and interest in question.

3.—(1) At any time or from time to time after the coming into operation of a purchase order providing for expedited completion, but not earlier than such time as is mentioned in sub-paragraph (2) of this paragraph, the purchasing authority may execute, as respects an area consisting either of the whole or a part of the land as respects which this Schedule applies by virtue of the order, a declaration designating that area and stating—

(a) their intention to enter on the land in the designated area and take possession thereof at the expiration of such period

11TH SCH.
—cont.

(not being less than fourteen days) as may be specified therein from the date on which the service of notices on occupiers required by sub-paragraph (3) of this paragraph is completed ; and

(b) that the land in the designated area is to vest in the authority at the expiration of that period.

(2) The earliest time at which such a declaration may be executed shall be the expiration of two months from the date of first publication of the notice of confirmation of the order required by the Acquisition of Land (Authorisation Procedure) Act, 1946, to be published :

Provided that the order may provide for the substitution of a period longer or shorter than two months for the purposes of the operation of this sub-paragraph as respects any land, so however, that provision for the substitution of a shorter period shall not be so made in relation to any land unless the order as submitted made such provision in relation thereto.

(3) As soon as may be after executing such a declaration the purchasing authority shall serve upon every occupier of any of the land in the area designated thereby (other than any of the land therein in which a minor tenancy, or a long tenancy which is about to expire, is subsisting), and on every other person who has given information to the authority in relation to any of the land therein pursuant to such invitation as is mentioned in paragraph 2 of this Schedule, a notice describing that area and stating the effect of the declaration.

(4) At the expiration of the period specified in such a declaration from the date on which the service of notices on occupiers required by the last preceding sub-paragraph is completed (as to which date a certificate given by the purchasing authority shall be conclusive)—

(a) there shall vest in the purchasing authority the right to enter on and take possession of the land in the area designated by the declaration or any of it without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845 ; and

(b) the land in the area designated by the declaration shall vest in the purchasing authority as if the circumstances in which under that Act the promoters of an undertaking have powers to execute a deed poll for vesting in them lands or any estate or interest in lands, or for the extinguishment of, or of a portion of, any rent service, rentcharge, chief or other rent, payment or incumbrance, had arisen as regards all the said land and, subject to the next succeeding sub-paragraph, as regards all interests therein, and the authority had duly exercised those powers accordingly at the expiration of the said period ;

but the purchasing authority shall be liable to pay the like compensation for the said land, and interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of sections eighty-four to ninety of the said Act, and the provisions thereof compliance with which would have been requisite in order to render the said powers exercisable by them, had been complied with.

(5) Notwithstanding anything in sub-paragraph (1) or (4) of this paragraph, the following provisions shall have effect as respects land in an area designated by a declaration made under sub-paragraph (1) of this paragraph in which a minor tenancy, or a long tenancy which is about to expire, is subsisting, that is to say—

11TH SCH.
—cont.

(a) in the case of a minor tenancy, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable and the vesting of the land in the authority shall be subject to the tenancy during its subsistence, but without prejudice to any power to require a tenant to give up possession exercisable by the purchasing authority by virtue of the Lands Clauses Acts;

(b) in the case of a long tenancy which is about to expire, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable unless or until the purchasing authority have served notice to treat in respect of the tenancy and they have thereafter served a notice upon every occupier of any of the land in which the tenancy subsists describing the land to which the notice relates and stating their intention to enter on and to take possession thereof at the expiration of such period (not being less than fourteen days) from the date on which the notice is served as may be therein specified, and that period has expired, and the vesting of the land in the authority shall be subject to the tenancy until the expiration of that period or the cesser of the tenancy, whichever first occurs.

(6) Every notice of the confirmation of a purchase order providing for expedited completion required by the Acquisition of Land (Authorisation Procedure) Act, 1946, to be published shall refer to the provisions as to entry and vesting contained in sub-paragraph (4) of this paragraph.

4. Where the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion comprises part only of any house, building or manufactory, or of a park or garden belonging to a house, then if at any time after the coming into operation of the order and before the making of a declaration under the last preceding paragraph as respects the said part any person having an interest therein in respect of which a notice to treat would otherwise be deemed by virtue of this Schedule to have been served gives notice to the purchasing authority in that behalf, no notice to treat shall be deemed by virtue of this Schedule to have been served in respect of any interest in the said part, and as from the giving of the notice the order shall have effect in relation to the said part as if this Schedule had not been applied thereto.

5.—(1) Where the compensation payable in respect of an interest which becomes vested in a purchasing authority by virtue of paragraph 3 of this Schedule is not finally ascertained at the time of such vesting, section twelve of the Finance Act, 1895, (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, as respects the vesting of that interest, with the substitution

58 & 59 Vict.
c. 16.

11TH SCH.
—cont.

for the reference therein to the date of vesting of a reference to the date on which the compensation has become finally ascertained.

15 & 16 Geo. 5
c. 20.

(2) Where after the vesting in a purchasing authority under paragraph 3 of this Schedule of any land a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof, and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

PART II.

Adjustments where provision for expedited completion made.

6.—(1) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of this Schedule may be referred to arbitration shall be the expiration of six years from the date at which the person claiming compensation or a person under whom he derives title first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of paragraph 3 of this Schedule.

2 & 3 Geo. 6.
c. 21.

(2) This paragraph shall be construed as one with Part I of the Limitation Act, 1939.

7. The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, or that subsection as applied by paragraph 3 of the Fourth Schedule to this Act, to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of this Schedule, not be exercisable at any time after the vesting by virtue of paragraph 3 of this Schedule of the interest in respect of which the notice is deemed to have been served.

8. In relation to a compulsory purchase authorised by a purchase order providing for expedited completion, being a purchase of an interest in respect of which a notice to treat is deemed to have been served by virtue of this Schedule, the following sections of the Lands Clauses Consolidation Act, 1845, shall be excepted from the incorporation of that Act with the Acquisition of Land (Authorisation Procedure) Act, 1946, that is to say, sections fifty-eight to sixty-two and sixty-four to sixty-seven (which relate to the mode of ascertaining compensation to absent parties), section ninety-two (which relates to sales of parts of buildings) and sections one hundred and twenty-four to one hundred and twenty-six (which relate to interests which have by mistake been omitted to be purchased).

9.—(1) Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land charged with a rentcharge, the following provisions of this paragraph shall have effect.

11TH SCH.
—cont.

(2) Any question as to the apportionment mentioned in section one hundred and sixteen of the Lands Clauses Consolidation Act, 1845, shall be referred and determined as mentioned in section one of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Such portion of the rentcharge as may be apportioned under the said section one hundred and sixteen to the land as respects which this Schedule applies by virtue of the order shall be treated as having been extinguished by virtue of paragraph 3 of this Schedule on the vesting of that land in the purchasing authority under that paragraph, and sections one hundred and fifteen to one hundred and eighteen of the Lands Clauses Consolidation Act, 1845, shall have effect as if the extinguishment had taken place under section one hundred and seventeen thereof:

Provided that if the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and fifteen to one hundred and eighteen shall have effect as if the person entitled to the rentcharge had released therefrom the land as respects which this Schedule applies by virtue of the order, on the condition mentioned in the said section one hundred and sixteen, at the time of the vesting of that land in the purchasing authority under paragraph 3 of this Schedule, and in that case none of the rentcharge shall be treated as having been extinguished by virtue of that paragraph so far as regards the remaining part of the land charged therewith.

(4) In this paragraph references to a rentcharge include references to any such rent service, chief or other rent, or other payment or incumbrance as is mentioned in the words introductory to the said sections one hundred and fifteen to one hundred and eighteen.

10. Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land comprised in a lease for a term of years unexpired, section one hundred and nineteen of the Lands Clauses Consolidation Act, 1845, shall have effect subject to the modification that for references therein to the time of the apportionment of rent therein mentioned there shall be substituted references to the time of the vesting in the purchasing authority of the leasehold interest in the first-mentioned land under paragraph 3 of this Schedule.

11. Any person who in consequence of the vesting of any land in the authority by virtue of paragraph 3 of this Schedule is relieved from any liability, whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter, and who makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved or of some one or more of them, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

CHAPTER 52.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-eight, and to appropriate the Supplies granted in this Session of Parliament.
[13th August 1947.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of
£ 1,525,682,403
out of the
Consolidated
Fund for the
service of the
year ending
31st March
1948.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and forty-eight, the sum of one thousand five hundred and twenty-five million, six hundred and eighty-two thousand, four hundred and three pounds.

Power for
the Treasury
to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole one thousand five hundred and twenty-five million, six hundred and eighty-two thousand, four hundred and three pounds.

40 & 41 Vict.
c. 2.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and forty-eight and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding three pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

APPROPRIATION OF GRANTS.

3. All sums granted by this Act and the other Act mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of two thousand nine hundred and ninety-one million, seven hundred and forty-seven thousand, three hundred and ninety-four pounds, three shillings, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the said sums granted out of the Consolidated Fund, there may be applied out of any money directed, under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict. c. 24.

4.—(1) So long as the aggregate expenditure on Navy, Army and Air Services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for Navy, Army and Air Services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which

the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1945-46.

8 & 9 Geo. 6. c. 25.
9 & 10 Geo. 6. c. 65.

Declaration required in certain cases before receipt of sums appropriated.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1945 and 1946, surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act :

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or Navy, Army, Air, or Civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant :

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case or class of cases allow ; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

7. This Act may be cited for all purposes as the Appropriation Act, 1947.

ABSTRACT

OF

SCHEDULES (A) and (B) to which this
Act refers.

SCHEDULE (A).

Section 3.

		£	s.	d.
Grants out of the Consolidated Fund	-	2,991,747,394	3	0

SCHEDULE (B).—APPROPRIATIONS OF GRANTS.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
1945-46 and 1946-47.						
Part 1. Civil (Excess)						
1945-46 - - -	2,537	3	0	—		
„ 2. Navy (Supplementary), 1946-						
47 - - -	20,000,000	0	0	18,000,000	0	0
„ 3. Army (Supplementary), 1946-						
47 - - -	50,000,000	0	0	*-49,233,000	0	0
„ 4. Civil and Revenue Departments (Supplementary), 1946-47 -	142,400,454	0	0	10,148,310	0	0
	£ 212,402,991	3	0	*-21,084,690	0	0

* Deficit.

SCHEDULE (B).—APPROPRIATIONS OF GRANTS—*cont.*

SCHED. (B).
Appropriations
of Grants.

				Sums not exceeding			
				Supply Grants.		Appropriations in Aid.	
				£	s. d.	£	s. d.
1947-48.							
Part 5.	Navy	-	-	196,700,000	0 0	18,724,000	0 0
„ 6.	Army	-	-	388,000,000	0 0	118,328,000	0 0
„ 7.	Air	-	-	214,000,000	0 0	25,186,800	0 0
				£ 798,700,000	0 0	162,238,800	0 0
Part 8.	Civil, Class I	-		13,287,776	0 0	5,205,198	0 0
„ 9.	Civil, Class II	-		63,377,630	0 0	1,368,345	0 0
„ 10.	Civil, Class III	-		34,407,775	0 0	3,266,343	0 0
„ 11.	Civil, Class IV	-		183,986,559	0 0	10,605,866	0 0
„ 12.	Civil, Class V	-		388,646,492	0 0	17,501,028	0 0
„ 13.	Civil, Class VI	-		194,445,980	0 0	46,811,530	0 0
„ 14.	Civil, Class VII	-		79,581,298	0 0	12,153,390	0 0
„ 15.	Civil, Class VIII			100,609,330	0 0	965,743	0 0
„ 16.	Civil, Class IX	-		66,411,942	0 0	1,279,000	0 0
„ 17.	Civil, Class X	-		683,318,946	0 0	410,832,650	0 0
	TOTAL, CIVIL			£ 1,808,073,728	0 0	509,989,093	0 0
Part 18.	Revenue Depart- ments	-	-	172,570,675	0 0	12,214,699	0 0
	GRAND TOTAL	-		£ 2,991,747,394	3 0	663,357,902	0 0

SCHEDULE (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

SCHHD. (A).

	£	s.	d.
For the service of the year ended on the 31st day of March 1946—			
Under Act 10 and 11 Geo. 6. c. 17 - -	2,537	3	0
For the service of the year ended on the 31st day of March 1947—			
Under Act 10 & 11 Geo. 6. c. 17 - - -	212,400,454	0	0
For the service of the year ending on the 31st day of March 1948			
Under Act 10 & 11 Geo. 6. c. 17 - - -	1,253,662,000	0	0
Under this Act - - - - -	1,525,682,403	0	0
TOTAL - - - - -	£2,991,747,394	3	0

SCHEDULE (B).—PART I.

SCHED. (B).
PART 1.
Civil
(Excess)
1945-46

CIVIL (EXCESS), 1945-46.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£ s. d.	£
CLASS IV.		
Vote.		
10. Sum granted to make good an excess on the grant for Scientific Investigation, &c., for the year ended on the 31st day of March 1946 -	2,537 3 0	—

SCHED. (B)
PART 2.
Navy
(Supplementary)
1946-47.

SCHEDULE (B).—PART 2.

NAVY (SUPPLEMENTARY), 1946-47.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1947, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. Wages, &c., of Officers and Men of the Royal Navy and Royal Marines and Women's Royal Naval Service - -	14,750,000	—
2. Victualling and Clothing for the Navy - - - -	950,000	—
3. Medical Establishments and Services - - - -	380,000	—
Carried forward - -	£ 16,080,000	—

SCHEDULE (B).—PART 2—*continued*.

SCHED. (B).
PART 2.
Navy
(Supple-
mentary)
1946-47.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
NAVY—<i>continued</i>.		
Brought forward - - -	£ 16,080,000	£ —
Vote. 4. Civilians employed on Fleet Services - - - -	1,800,000	—
5. Educational Services - - -	50,000	—
6. Scientific Services - - -	Cr 1,050,000	150,000
7. Royal Naval Reserves - - -	Cr 100,000	—
8. Shipbuilding, Repairs, Maintenance, &c.—		
Section I—Personnel - - -	4,250,000	250,000
Section II—Matériel - - -	Cr 7,750,000	12,750,000
Section III—Contract Work	560,000	4,100,000
9. Naval Armaments - - -	1,500,000	—
10. Works, Buildings and Repairs at Home and Abroad - - -	Cr 1,150,000	—
11. Miscellaneous Effective Services	6,350,000	350,000
12. Admiralty Office - - -	800,000	—
13. Non-effective Services (Naval and Marine)—Officers - - -	130,000	—
14. Non-effective Services (Naval and Marine)—Men - - -	Cr 300,000	—
15. Civil Superannuation, Allowances and Gratuities - - -	430,000	—
16. Merchant Shipbuilding, &c. - - -	Cr 1,600,000	400,000
TOTAL, NAVY (Supplementary), 1946-47 - - -	£ 20,000,000	18,000,000

SCHED. (B).
PART 3.
Army
(Supplementary).
1946-47.

SCHEDULE (B).—PART 3.

ARMY (SUPPLEMENTARY), 1946-47.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Army Services for the year ended on the 31st day of March 1947, including provision for Land Forces to an additional number not exceeding 65,000, all ranks (exclusive of those serving in India on the Indian Establishment), in addition to the Reserve Forces, Territorial Army, Cadet Forces, &c., viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. Pay, &c., of the Army - - -	113,570,000	*—47,648,000
2. Reserve Forces, Territorial Army, Cadet Forces, &c. -	Cr 255,000	—
3. Medical Services - - -	Cr 62,000	*— 230,000
5. Quarters and Movements -	Cr 23,558,000	1,442,000
6. Supplies - - - - -	Cr 27,977,000	*— 5,669,000
7. Clothing - - - - -	Cr 910,000	70,000
8. General Stores - - - -	Cr 5,116,000	375,000
9. Warlike Stores - - - -	Cr 2,100,000	*— 150,000
10. Works, Buildings and Lands -	Cr 3,865,000	1,815,000
11. Miscellaneous Effective Services	Cr 21,502,000	762,000
13. Half-Pay, Retired Pay and other Non-effective Charges for Officers - - - -	1,500,000	—
14. Pensions and other Non-effective Charges for Warrant Officers, Non-commissioned Officers, Men and others -	200,000	—
15. Civil Superannuation, Compensation and Gratuities -	75,000	—
Balances Irrecoverable and Claims Abandoned - -	20,000,000	—
TOTAL, ARMY (Supplementary), 1946-47 - - - -	£ 50,000,000	*—49,233,000

* Deficit

SCHEDULE (B).—PART 4.

SCHED. (B.)
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary).
1946-47.

CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1946-47.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1947, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.	£	£
CLASS I.		
Vote.		
1. For the salaries and expenses of the Offices of the House of Lords - -	10	1,692
2. For the salaries and expenses of the House of Commons - - - -	10	170
4. For the salaries and other expenses in the Department of His Majesty's Treasury and Subordinate Departments, including additional salary payable to the Chancellor of the Duchy of Lancaster, the salary and expenses of the Minister without Portfolio, the expenses of representation in India and a grant in aid - - - - -	12,631	—
4A. For the salaries and expenses of the Ministry of Defence - - - -	94,100	100
5. For the salaries and expenses of the Department of His Majesty's most Honourable Privy Council - -	10	540
8. For the salaries and expenses of the Civil Service Commission - -	102,900	*—6,350
12. For a grant in aid of the Government Hospitality Fund - - - - -	25,000	—
24. For certain miscellaneous expenses, including certain grants in aid -	20,000	—
Carried forward - - - -	£ 254,661	*—3,848
• Deficit.		

SCHED. (B).
PART 4.
Civil
and Revenue
Departments.
(Supple-
mentary),
1946-47.

SCHEDULE (B).—PART 4—continued.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL—cont.		£	£
Brought forward - - -		254,661	*—3,848
CLASS I—cont.			
Vote.			
25.	For the salaries and expenses of the Office of the Secretary of State for Scotland; salaries and expenses of the Scottish Home Department; expenses in respect of private legislation procedure in Scotland; a subsidy for transport services to the Western Highlands and Islands, &c.; a grant in lieu of Land Tax; contributions towards the expenses of Probation and of Remand Homes and grants in connection with physical training and recreation -	107,021	850
CLASS II.			
2.	For the expenses in connection with His Majesty's Embassies, Missions and Consular Establishments Abroad; certain special grants and payments, including grants in aid; and sundry other services - -	1,120,010	—
5.	For a contribution towards the expenses of the United Nations and for other expenses in connection therewith - - - -	268,919	—
10.	For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - -	10	—
14.	For the salaries and expenses of the Department of His Majesty's Secretary of State for India and His Majesty's Secretary of State for Burma, and for sundry India and Burma services, including certain grants in aid - - - -	66,881	3,300
Carried forward - - -		1,817,502	302
* Deficit.			

SCHEDULE (B).—PART 4—*continued.*

SCHED. (B).
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary)
1946-47.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—<i>cont.</i>	£	£
Brought forward - - -	1,817,502	302
CLASS II.—<i>cont.</i>		
Vote. 16. For a contribution to the cost of the Greek Armed Forces and for a gift to the Greek Government of certain civilian goods - - -	19,000,000	—
CLASS III.		
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, and a grant in aid; the salaries and expenses of Pensions Appeal Tribunals; and the salaries and expenses of the War Pensions (Special Review) Tribunals - -	10	80,083
8. For the salaries and expenses of the office of Land Registry - -	10	28,990
10. For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury, and of the Department of the Director of Public Prosecutions; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - -	40,000	48,000
12. For the salary and expenses of the Inspector of Constabulary, the cost of special services, grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland - - -	105,250	—
Carried forward - -	£ 20,962,772	157,375

SCHED. (B).
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1946-47.

SCHEDULE (B).—PART 4—continued.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL—cont.		£	£
Brought forward - - -		20,962,772	157,375
CLASS III—cont.			
Vote.			
16.	For the salaries and expenses of the Lord Advocate's Department and other law charges, the salaries and expenses of the Courts of Law and Justice and of Pensions Appeal Tribunals in Scotland - - -	10	7,740
19.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses, including certain expenses in connection with land purchase in Northern Ireland and a grant in aid; and the salaries and expenses of the Pensions Appeal Tribunals in Northern Ireland -	10	1,895
CLASS IV.			
1.	For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - -	8,610,000	100,000
10.	For sundry grants in aid of scientific investigation, &c., and other grants	23,140	—
12.	For a grant to and grants in aid of the British Broadcasting Corporation -	3,994,000	—
13.	For public education in Scotland, including certain grants in aid of the Education (Scotland) Fund, and for the Royal Scottish Museum, Edinburgh, including a grant in aid	1,321,942	11,000
Carried forward- - -		£ 34,911,874	278,010

SCHEDULE (B).—PART 4—*continued*.

SCHED. (B).
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1946-47.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—<i>cont.</i>	£	£
Brought forward - - -	34,911,874	278,010
CLASS V.		
Vote. 1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with housing, certain other grants to local authorities, &c., a supplemental grant in respect of medical benefit, salaries and expenses of the Local Government Boundary Commission, a grant in aid of the National Radium Trust, a grant in aid of the Women's Voluntary Services ; and other services - - -	750,000	2,700,000
13. For the salaries and expenses of the Ministry of Town and Country Planning, including grants to local planning authorities, the acquisition of land in connection with the establishment of new towns, and sundry services - - -	10	—
14. For the salaries and expenses of the Department of Health for Scotland ; including grants and other expenses in connection with housing, town and country planning and the creation of new towns ; hospital grants and services ; general health grants and services including a supplemental grant in respect of medical benefit and a grant in aid of the Highlands and Islands Medical Service Fund ; water and sewerage grants and services ; and other services - - -	10	—
Carried forward - - -	£ 35,661,894	2,978,010

SCHED. (B).
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1946-47.

SCHEDULE (B).—PART 4—continued.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL—contd.		£	£
Brought forward	- - -	35,661,894	2,978,010
CLASS VI.			
Vote.			
1.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including the cost of certain trading services; assistance and subsidies to certain industries; certain grants in aid; and other services - - - - -	3,134,000	*—312,480
5.	For special guarantees given by the Board of Trade under the Overseas Trade Guarantees Scheme - -	18,000	*—35,000
6.	For the salaries and expenses of the Ministry of Fuel and Power - -	420,000	15,000
9.	For the cost of certain food production services of the Ministry of Agriculture and Fisheries - - -	10	13,990
14.	For a grant in aid of the Road Fund; for other expenditure in connection with roads; for payments to local authorities in reimbursement of expenses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles; and for other services - - -	900,000	110,000
15.	For the salaries and expenses of certain Mercantile Marine services, including the expenses of the Coastguard and the General Register and Record Office of Shipping and Seamen -	245,000	*—49,500
16.	For the salaries and expenses of the Ministry of Civil Aviation - -	10	—
Carried forward	- - -	£ 40,378,914	2,720,020

* Deficit.

SCHEDULE (B).—PART 4—*continued.*

SCHED. (B).
PART 4.
Civil
and Revenue
Departments
(Supple-
mentary),
1946-47.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>		£	£
Brought forward - - -		40,378,914	2,720,020
CLASS VII.			
Vote.			
1.	For the salaries and expenses of the Ministry of Works - - -	10	359,990
3.	For expenditure in respect of Houses of Parliament buildings - - -	58,800	300
6.	For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes -	10	—
7.	For expenditure in respect of public buildings overseas - - -	87,000	—
CLASS VIII.			
1.	For war pensions and allowances (in- cluding cost of treatment) arising out of the war of 1914-18 to merchant seamen and fishermen and their dependants and the expenses of the Fishing Vessels Committee -	12,500	—
4.	For superannuation and other non- effective annual allowances, addi- tional allowances, gratuities, com- passionate allowances and supple- mentary pensions in respect of civil employment - - -	750,000	—
CLASS X.			
2.	For the salaries and expenses of the Ministry of Food; the cost of trading services including certain subsidies; and sundry other services	49,840,000	337,000
Carried forward - - -		91,127,234	3,417,310

SCHED. (B).
PART 4.
Civil and
Revenue
Departments
(Supple-
mentary),
1946-47.

SCHEDULE (B).—PART 4—*continued*.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
CIVIL— <i>contd.</i>			
Brought forward - - -		£ 91,127,234	£ 3,417,310
CLASS X.— <i>cont.</i>			
Vote.			
3.	For the cost of Shipping and Inland Transport Services arising out of the War - - - -	8,600,000	19,830,000
5.	For the cost of the war services of the Home Office - - - -	610,000	400,000
6.	For the salaries and expenses of the Control Office for Germany and Austria and the Control Commissions for Germany and Austria, including certain supplies and services essential to the Occupation, contributions to the Joint Export-Import Agency for the Combined Zones of Germany, commodity advances for Germany, and financial assistance to Austria - - -	39,016,710	* 15,383,000
8.	For advances to the Governments of Allied, &c., Countries and for the expenses of the Interim Treasury Committee for Polish Questions -	10	—
9.	For the salaries and expenses of the War Damage Commission - -	96,500	—
REVENUE DEPARTMENTS.			
2.	For the salaries and expenses of the Inland Revenue Department -	550,000	100,000
3.	For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	2,400,000	1,784,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (Supplementary), 1946-47		£142,400,454	10,148,310

* Deficit.

SCHEDULE (B).—PART 5.

SCHM. (B)
PART 5.
Navy.
1947-48.

NAVY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, including provision for officers, seamen, boys and royal marines to a number not exceeding 191,000 (excluding those on release leave), and for royal marine police to a number not exceeding 1,665, in addition to reserve forces, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For wages, &c., of officers and men of the Royal Navy and Royal Marines and Women's Royal Naval Service	42,467,000	250,000
2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad - - - - -	14,171,000	5,295,700
3. For medical services, including the cost of medical establishments at home and abroad - - - - -	1,680,000	55,900
4. For civilians employed on fleet services	4,655,000	4,600
5. For educational services - - -	634,000	98,600
6. For scientific services - - - -	6,185,000	268,550
7. For the Royal Naval Reserve, the Royal Fleet Reserve and the Royal Naval Volunteer Reserve, &c. - - - -	575,000	100
8. Section I. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of Dockyards and Naval Yards at home and abroad - - - - -	24,321,000	435,400
„ Section II. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of Dockyards and Naval Yards at home and abroad - - - - -	20,494,000	6,300,000
„ Section III. For contract work for shipbuilding, repairs, maintenance, &c. - - - - -	30,292,000	3,444,000
Carried forward - - -	£145,474,000	16,152,850

SCHED. (B).
PART 5.
Navy.
1947-48.

SCHEDULE (B).—PART 5—*continued*.

				Sums not exceeding	
				Supply Grants.	Appropriations in Aid.
				£	£
Vote.					
Brought forward - - -				145,474,000	16,152,850
9. For naval armaments - - -				12,645,000	771,500
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - - - -				10,250,000	400,000
11. For various miscellaneous effective services - - - - -				8,353,000	1,274,025
12. For the Admiralty Office - - -				4,547,000	14,800
13. For non-effective services - - -				13,765,000	20,825
14. For merchant shipbuilding - - -				1,666,000	90,000
TOTAL, NAVY SERVICES				£196,700,000	18,724,000

SCHEDULE (B).—PART 6.

SCHED. (B).
PART 6.
Army.
1947-48.

ARMY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned which will come in course of payment during the year ending on the 31st day of March 1948, including provision for Land Forces to a number not exceeding 1,210,000, all ranks (excluding those serving in India on the Indian Establishment and paid directly out of the revenues of the Governor-General in Council and those serving in Burma on the Burma Establishment and paid directly out of the revenues of Burma), in addition to the Reserve Forces, Territorial Army and Cadet Forces, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of the Army - - -	114,815,000	40,000,000
2. For the Reserve Forces, (to a number not exceeding 71,000, all ranks, for the Royal Army Reserve), Territorial Army (to a number not exceeding 172,880, all ranks), and Cadet Forces	5,889,000	50,000
3. For the War Office - - - -	2,856,000	63,000
4. For civilians - - - - -	43,813,000	99,000
5. For movements - - - - -	53,400,000	650,000
6. For supplies, &c. - - - - -	61,250,000	15,650,000
7. For stores - - - - -	38,500,000	30,000,000
8. For works, buildings and lands - -	43,000,000	3,000,000
9. For miscellaneous effective services -	9,449,000	28,773,000
10. For non-effective services - - -	15,028,000	43,000
TOTAL, ARMY SERVICES -	£388,000,000	118,328,000

SCHED. (B).
PART 7.
Air.
1947-48.

SCHEDULE (B).—PART 7.

AIR.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, including provision for officers and airmen of the Air Force to a number not exceeding 370,000, all ranks, in addition to reserve and auxiliary forces, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the pay, &c., of the Air Force -	60,300,000	5,800,000
2. For reserve and auxiliary forces, including the Air Training Corps (to a number not exceeding 60,000, all ranks, for the Royal Air Force Reserve and the Royal Air Force Volunteer Reserve and a number not not exceeding 12,000, all ranks, for the Auxiliary Air Force) - - -	800,000	300
3. For the Air Ministry - - - -	3,433,000	2,500
4. For civilians at outstations - - -	17,625,000	184,000
5. For movements - - - - -	13,496,000	787,000
6. For non-technical supplies - - -	22,438,000	1,313,000
7. For technical supplies and services -	57,958,000	12,970,000
8. For works and lands - - - -	28,000,000	3,000,000
9. For miscellaneous effective services -	7,432,000	1,110,000
10. For non-effective services - - -	2,518,000	20,000
TOTAL, AIR SERVICES -	£214,000,000	25,186,800

SCHEDULE (B).—PART 8.

SCHED. (B).
PART 8.
Civil.
Class I.
1947-48

CIVIL.—CLASS I.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the House of Lords - - - -	84,388	10,796
2. For the salaries and expenses of the House of Commons - - - -	817,192	5,755
3. For expenses in respect of the registration of electors - - - -	325,000	—
4. For the salaries and other expenses in the Department of His Majesty's Treasury and Subordinate Departments, including additional salary payable to the Chancellor of the Duchy of Lancaster, the salary and expenses of the Minister without Portfolio, and the expenses of representation in India (including a Supplementary sum of £99,587) -	2,574,398	27,100
5. For the salaries and expenses of the Ministry of Defence - - - -	397,109	100
6. For the salaries and expenses of the Department of His Majesty's most Honourable Privy Council - -	27,727	4,500
7. For the salaries and expenses of the Office of the Lord Privy Seal - -	11,370	—
8. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	58,817	2,500
9. For the salaries and expenses of the Civil Service Commission - - -	438,650	28,140
10. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - - -	340,290	13,250
11. For the salaries and expenses of the Department of the Government Actuary - - - - -	39,653	2,315
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	150,914	200
Carried forward- - - -	£ 5,265,508	94,656

SCHED. (B).
PART 8.
Civil.
Class I.
1947-48.

SCHEDULE (B).—PART 8—continued.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 5,265,508	£ 94,656
Vote.		
13. For a grant in aid of the Government Hospitality Fund - - -	75,000	—
14. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals and badges, dies for postage and other stamps, and His Majesty's seals - - -	100	4,701,180
15. For the salaries and expenses of the National Debt Office - - -	4,082	25,640
16. For the salaries and expenses of the National Savings Committee - -	1,413,900	—
17. For payments to certain temporary Crown Servants and comparable employees in respect of overlapping Income Tax payments - - -	1,000,000	—
18. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - -	58,748	950
19. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - -	100	40,827
20. For the payment due to the Local Loans Fund in respect of advances in Northern Ireland - - -	25,000	—
21. For the salaries and other expenses of Royal Commissions, Committees, and special enquiries, &c., including provision for shorthand - - -	198,000	—
Carried forward - - -	£ 8,040,438	4,863,253

SCHEDULE (B).—PART 8—*continued.*

SCHED. (B).
PART 8.
Civil.
Class I.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£ 8,040,438	£ 4,863,253
Vote. 22. For His Majesty's foreign and other secret services - - - -	2,500,000	—
23. For the salaries and expenses of the Tithe Redemption Commission -	100	337,560.
24. For making good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1945-46 - -	6,047	—
25. For certain miscellaneous expenses, including certain grants in aid -	2,106,381	750
25A. For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - -	38,060	—
26. For the salaries and expenses of the Office of the Secretary of State for Scotland; salaries and expenses of the Scottish Home Department; expenses in connection with provisional orders and statutory orders subject to special procedure; a subsidy for transport services to the Western Highlands and Islands, &c.; a grant in lieu of land tax; contributions towards the expenses of probation and of remand homes; grants in connection with physical training and recreation; and grants for coast protection works - - - -	596,750	3,635
TOTAL, CIVIL, CLASS I -	£ 13,287,776	5,205,198

SCHED. (B).
PART 9.
Civil.
Class II.
1947-48.

SCHEDULE (B).—PART 9.

CIVIL.—CLASS II.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Department of His Majesty's Secretary of State for Foreign Affairs and the salary of a Minister of State - -	3,060,864	600,750
2. For the expenses in connection with His Majesty's Embassies, Missions and Consular Establishments Abroad ; certain special grants and payments, including grants in aid ; and sundry other services - - - -	12,183,785	460,000
3. For a grant in aid of the British Council	2,913,000	—
4. For a contribution towards the expenses of the United Nations - - -	783,000	—
4A. For a contribution towards the expenses of the International Refugee Organisation - - - - -	1,425,000	—
5. For the salaries and expenses of the Department of His Majesty's Secretary of State for Commonwealth Relations	156,165	955
6. For sundry Commonwealth services, including certain grants in aid ; for the salaries and expenses of Pensions Appeal Tribunals in Eire ; for expenditure in connection with ex-service men and women in Eire ; and for a grant in aid to Eire in respect of compensation to transferred officers (including a Supplementary sum of £10,000) - - - - -	499,615	900
7. For the expenses connected with Oversea Settlement - - - - -	114,880	12,640
Carried forward - - -	£ 21,136,309	1,075,245

SCHEDULE (B).—PART 9—*continued.*

SCHED. (B).
PART 9.
Civil.
Class II.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	21,136,309	1,075,245
Vote.		
8. For the salaries and expenses of the Department of His Majesty's Secretary of State for the Colonies - -	679,305	1,100
9. For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - -	3,792,164	33,700
10. For the salaries and expenses of the West African Produce Control Board, including the cost of trading services ; and for a grant in aid of a sum equivalent to accumulated profits realised under the West African cocoa control scheme for allocation to the Governments of the Gold Coast, Nigeria and Sierra Leone -	1,812,235	—
11. For the development of the resources of colonies, protectorates, protected states and mandated territories, and the welfare of their peoples - -	7,510,500	—
12. For the development of the resources of the South African High Commission Territories and the welfare of their peoples - - -	297,900	—
13. For the salaries and expenses of the Department of His Majesty's Secretary of State for India and His Majesty's Secretary of State for Burma, and for sundry India and Burma services, including certain expenses in the Persian Gulf and certain grants in aid (including a Supplementary sum of £110,730) -	27,754,252	258,300
14. For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - - -	394,965	—
TOTAL, CIVIL, CLASS II -	£ 63,377,630	1,368,345

SCHED. (B).
PART 10.
Civil.
Class III.
1947-48.

SCHEDULE (B).—PART 10.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and of subordinate offices; liquidation expenses of the Royal Irish Constabulary, contributions towards the expenses of probation and a grant in aid of the Central Committee for Refugees - - - - -	1,651,805	86,730
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum - - -	161,440	7,280
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; the cost of special services; and other grants in respect of Police expenditure, including a grant in aid of the Police Federation and a contribution towards the expenses of the International Criminal Police Commission	21,335,515	23,435
4. For the salaries and expenses of the office of the Prison Commissioners and of the Prisons in England and Wales - - - - -	4,080,687	466,000
Carried forward - - -	£ 27,229,447	583,445

SCHEDULE (B).—PART 10—*continued*.

SCHED. (B).
PART 10.
Civil.
Class III.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	27,229,447	583,445
Vote. 5. For grants in respect of the expenses of the managers of approved schools in England and Wales, the expenses of local authorities in respect of children and young persons committed to their care, and the expenses of the councils of counties and county boroughs in respect of remand homes ; and for expenses in connection with training in child care (including a Supplementary sum of £20,000) - - - -	1,759,900	65,100
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, the salaries and expenses of Pensions Appeal Tribunals and War Pensions (Special Review) Tribunals, and a grant in aid - - - -	80,695	1,118,250
7. For the salaries and expenses in connection with the County Courts, the Liabilities Adjustment Offices and the War Damage (Valuation Appeals) Tribunal - - - -	461,408	328,125
8. For the salaries and expenses of the office of Land Registry - - -	100	332,805
9. For the salaries and expenses of the office of Public Trustee - - -	95,300	310,000
10. For the salaries and expenses of the Law Officers' Department ; the salaries and expenses of the Department of His Majesty's Procurator-General and Solicitor for the Affairs of His Majesty's Treasury, and of the Department of the Director of Public Prosecutions ; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	431,568	82,100
Carried forward - - -	£ 30,058,418	2,819,825

SCHED. (B).
PART 10.
Civil.
Class III.
1947-48.

SCHEDULE (B).—PART 10—continued.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	30,058,418	2,819,825
Vote.		
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., in connection with the acquisition of land, for grants in aid of the expenses of the Law Society and of the Solicitors' Discipline (Scotland) Committee, and for the expenses of Tribunals established in connection with Defence Compensation - - - - -	60,940	950
12. For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of Police expenditure, including a grant in aid of the Police Federation in Scotland - - -	2,167,270	—
13. For salaries and expenses in connection with the administration of Scottish prisons, including the maintenance of criminal lunatics, defectives, and inmates of the State Inebriate Reformatory, and the preparation of judicial statistics - - -	525,191	132,450
14. For grants in respect of the expenses of the managers of approved schools, and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	227,000	8,000
15. For the salaries and expenses of the office of the Scottish Land Court -	10,145	400
16. For the salaries and expenses of the Lord Advocate's Department and other law charges, including expenditure in connection with the provision of free legal assistance to members of the Forces in certain cases; and the salaries and expenses of the Courts of Law and Justice and of Pensions Appeal Tribunals in Scotland (including a Supplementary sum of £1,500) - - - - -	102,747	181,150
Carried forward - - -	£ 33,151,711	3,142,775

SCHEDULE (B).—PART 10—*continued*.

SCHED. (B).
PART 10.
Civil.
Class III.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	33,151,711	3,142,775
Vote. 17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	82,497
18. For the cost of certain Northern Ireland services - - - - -	6,980	8,000
19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland, and other expenses, including certain expenses in connection with land purchase in Northern Ireland and a grant in aid - - - - -	37,890	32,971
20. For charges in connection with land purchase in Northern Ireland, and the expenses of management of Guaranteed Stocks and Bonds issued for the purposes of Irish land purchase	1,211,094	100
TOTAL, CIVIL, CLASS III -	£ 34,407,775	3,266,343

SCHED. (B).
PART II.
Civil.
Class IV.
1947-48.

SCHEDULE (B).—PART II.

CIVIL.—CLASS IV.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - - -	136,185,535	9,276,750
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	250,353	28,275
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - - - -	178,386	2,250
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	38,183	250
5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -	10,882	50
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank, including a grant in aid - - - - -	64,248	214
7. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - - -	20,475	70
Carried forward - - -	£136,748,062	9,307,859

SCHEDULE (B).—PART II—*continued.*

SCHED. (B).
PART II.
Civil.
Class IV.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - - -	£ 136,748,062	£ 9,307,859
Vote. 8. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -	15,409	1,065
9. For the salaries and expenses of the Wallace Collection - - - -	21,463	2,000
10. For sundry grants in aid of scientific investigation, &c., and for other services (including a Supplementary sum of £10,250) - - - -	1,716,585	2,750
11. For grants in aid of the expenses of certain Universities, Colleges, Teaching Hospitals, &c., in Great Britain, and for certain other services, including loans to Universities for capital expenditure and the cost of certain Post Graduate Studentships -	12,060,000	—
12. For grants to the British Broadcasting Corporation, including a grant in aid	13,350,000	—
13. For public education in Scotland, including certain grants in aid of the Education (Scotland) Fund; for the Royal Scottish Museum, Edinburgh, including a grant in aid; and for a grant in aid of the education of Poles	20,042,080	1,286,925
14. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - -	24,982	250
15. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -	7,978	5,017
TOTAL, CIVIL, CLASS IV -	£183,986,559	10,605,866

SCHED. (B).
PART 12.
Civil.
Class V.
1947-48.

SCHEDULE (B).—PART 12.

CIVIL.—CLASS V.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vota.	£	£
1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with housing, hospital and general health services; a supplemental grant in respect of medical benefit; grants in aid of the National Radium Trust and the Women's Voluntary Services; salaries and expenses of the Local Government Boundary Commission; and other services - - - - -	77,071,800	6,651,000
2. For the salaries and expenses of the Board of Control and grants in respect of the maintenance of certain ex-service mental patients - -	301,242	19,318
3. For the salaries and expenses of the Department of the Registrar-General of Births, &c. - - - - -	425,310	62,730
4. For the salaries and expenses of the Ministry of Labour and National Service, including grants to local authorities, associations and other bodies in respect of employment exchange and other services; expenses of training, transfer, rehabilitation and resettlement; expenses in connection with national service; a contribution towards the expenses of the International Labour Organisation; expenses of the Industrial Court and the National Arbitration Tribunal; and sundry services (including a Supplementary sum of £1,000,000) -	31,099,000	4,462,000
Carried forward- - -	£108,897,352	11,195,048

SCHEDULE (B).—PART 12—*continued*.

SCHED. (B).
PART 12.
Civil.
Class V.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£108,897,352	£11,195,048
Vote. 5. For grants to local authorities, &c., in respect of employment and development schemes, including adjustments of grant in certain cases - - -	1,100,000	—
6. For the salaries and expenses of the Ministry of National Insurance, including certain expenses in connection with widows', orphans' and old age contributory pensions; grants in aid in respect of national health insurance benefits, &c.; sums payable by the Exchequer to the Unemployment Fund; grants to associations in respect of unemployment insurance; payments in respect of family allowances; certain expenses in connection with workmen's compensation, national insurance and industrial injuries insurance; and other services - - - -	100,374,000	5,607,000
7. For the salaries and expenses of the Department of the Assistance Board and of certain Appeal Tribunals and Pension Committees; non-contributory Old Age Pensions, including pensions to blind persons; Supplementary Pensions to certain persons in receipt of Old Age Pensions or Widows' Pensions; allowances to applicants for assistance, &c.; the expenses of training, work centres, &c.; and the expenses of maintaining certain classes of Poles in Great Britain - - - -	44,150,000	225,000
8. For the salaries and expenses of the National Insurance Audit Department - - - - -	152,740	4,200
Carried forward - -	£254,674,092	17,031,248

SCHED. (B).
PART 12.
Civil.
Class V.
1947-48.

SCHEDULE (B).—PART 12—continued.

		Sums not exceeding	
		Supply Grants	Appropriations in Aid.
		£	£
Vote.	Brought forward - - -	254,674,092	17,031,248
9.	For the salaries and expenses of the Registry of Friendly Societies - -	49,680	3,500
10.	For the sums payable to the Treasury Pensions Account and to the Treasury Special Pensions Account in respect of Widows', Orphans' and Old Age Contributory Pensions - - -	117,025,000	—
11.	For the salaries and expenses of the Ministry of Town and Country Planning, including grants to local planning authorities, grants to Development Corporations established for the purposes of new towns, and sundry other services - - -	1,090,000	600
12.	For the salaries and expenses of the Department of Health for Scotland, including grants and other expenses in connection with housing, town and country planning and the creation of new towns; hospital grants and services; general health grants and services, including a supplemental grant in respect of medical benefit and a grant in aid of the Highlands and Islands Medical Service Fund; water and sewerage grants and services; and other services - -	15,712,328	461,000
13.	For the salaries and expenses of the Board of Control for Scotland, and grants in respect of the maintenance of certain ex-service mental patients	33,002	400
14.	For the salaries and expenses of the Department of the Registrar-General of Births, &c. in Scotland - -	62,390	4,280
TOTAL, CIVIL, CLASS V -		£388,646,492	17,501,028

SCHEDULE (B).—PART 13.

SCHED. (B).
PART 13.
Civil.
Class VI.
1947-48.

CIVIL.—CLASS VI.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, including the cost of certain trading services ; assistance and subsidies to certain industries ; certain grants in aid ; and other services	38,479,350	981,560
2. For services in Development Areas (including a Supplementary sum of £75,000) - - - - -	15,860,000	—
3. For financial assistance to industrial undertakings in Development Areas, including remanet expenditure in respect of similar assistance in former Special Areas - - - - -	751,500	—
4. For the salaries and expenses of the Export Credits Guarantee Department, and for guarantees given after consultation with the Export Guarantees Advisory Council - -	100	435,700
5. For special guarantees given by the Board of Trade under the Overseas Trade Guarantees Scheme - -	95,000	90,000
6. For the salaries and expenses of the Ministry of Fuel and Power, including assistance to gas and electricity undertakings in Development Areas - -	4,811,200	63,000
7. For the salaries and expenses of the office of the Commissioners of Crown Lands - - - - -	51,813	—
Carried forward - - - - -	£ 60,048,963	1,570,260

SCHED. (B).
PART 13.
Civil.
Class VI.
1947-48.

SCHEDULE (B).—PART 13—continued.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	60,048,963	1,570,260
Vote			
8.	For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants, grants in aid and expenses in respect of agricultural education and research; eradication of diseases of animals and improvement of breeding, &c., of live stock; land settlement, improvement of cultivation, drainage, &c.; regulation of agricultural wages, agricultural credits and marketing; the purchase and sale of home-produced wool; agricultural training and settlement schemes; the management and use of land acquired for forestry or vested in other Departments; certain remanet subsidy payments; fishery organisation, research and development, including assistance to the inshore fishing industry and control of diseases of fish, &c.; and sundry other services - - -	11,037,014	589,355
9.	For the cost of certain food production services of the Ministry of Agriculture and Fisheries, including a grant in aid of the Agricultural Disaster Fund (including a Supplementary sum of £5,175,010) - - -	43,143,010	30,305,010
10.	For the expenses of the survey of Great Britain and other mapping services -	1,656,920	361,050
11.	For a grant in aid of the Forestry Fund -	4,856,000	—
12.	For a grant in aid of the Development Fund - - - - -	600,000	—
13.	For the salaries and expenses of the Ministry of Transport, including expenses of the Railway Rates Tribunal and of the Road and Rail Appeal Tribunal; the expenses of maintaining Holyhead Harbour and the Caledonian and Crinan Canals; and the reimbursement to railway companies of payments to certain temporary railway employees in respect of over-lapping Income Tax payments -	3,242,300	732,000
	Carried forward -	£124,584,207	33,557,675

SCHEDULE (B).—PART 13—*continued*.

SCHED. (B).
PART 13.
Civil.
Class VI.
1947-48.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Brought forward - - -	£124,584,207	£33,557,675
Vote. 14. For a grant in aid of the Road Fund ; for other expenditure in connection with roads ; for payments to local authorities in reimbursement of ex- penses incurred in the collection of motor vehicle duties, &c., and the registration of motor vehicles ; and for other services - - -	30,955,000	220,000
15. For the salaries and expenses of certain Mercantile Marine services, including the expenses of the Coastguard and the General Register and Record Office of Shipping and Seamen - -	1,447,485	363,200
16. For the salaries and expenses of the Ministry of Civil Aviation, including certain grants and subsidies - -	24,489,500	8,110,000
17. For grants to public utility undertakings in Great Britain - - -	83,000	—
18. For the salaries and expenses of the Department of Scientific and In- dustrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - -	3,118,289	331,086
19. For the salaries and expenses of the State Management Districts, in- cluding the salaries of the central office, and the cost of provision and management of licensed premises -	100	1,303,520
20. For the salaries and expenses of the Anglo-Spanish, Anglo-Roumanian, Anglo-Italian and Anglo-Turkish Clearing Offices (including a Supple- mentary sum of £11,949) - - -	12,049	1,800
Carried forward- - -	£184,689,630	43,887,281

SCHED. (B).
PART 13.
Civil.
Class VI.
1947-48.

SCHEDULE (B).—PART 13—continued.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	184,689,630	43,887,281
Vote		
21. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education and research, agricultural marketing, agricultural credits, expenses in respect of regulation of agricultural wages, management and use of land acquired for forestry, agricultural training and settlement schemes, certain grants in aid, remanet subsidy payments, and sundry other services	2,415,926	172,201
22. For the cost of certain food production services of the Department of Agriculture for Scotland (including a Supplementary sum of £400,000) -	6,122,000	2,672,350
23. For salaries and expenses in connection with the administration of Scottish fishery services, including assistance to the inshore fishing industry and a grant in aid of piers or quays - -	682,924	79,698
24. For grants in respect of the general administrative and other expenses of the Herring Industry Board, including certain advances by way of grant in aid; for a grant in aid of the Herring Marketing Fund; and for grants to herring fishermen and certain other persons for assistance in the provision of boats and equipment	535,500	—
TOTAL, CIVIL, CLASS VI -	£194,445,980	46,811,530

SCHEDULE (B).—PART 14.

SCHED. (B).
PART 14.
Civil.
Class VII.
1947-48.

CIVIL.—CLASS VII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Ministry of Works - - - -	7,958,400	2,275,000
2. For expenditure in respect of art and science buildings, Great Britain -	721,390	13,070
3. For expenditure in respect of Houses of Parliament buildings (including a Supplementary sum of £145,000) -	836,280	640
4. For expenditure in respect of miscellaneous legal buildings, Great Britain	151,885	950
5. For expenditure in respect of Osborne -	44,245	3,525
6. For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes (including a Supplementary sum of £225,275) - - - -	38,331,865	3,053,650
7. For expenditure in respect of public buildings overseas - - - -	1,640,900	9,180
8. For expenditure in respect of Royal Palaces, including a grant in aid, -	343,800	56,300
9. For expenditure in respect of Royal parks and pleasure gardens - -	533,725	34,755
Carried forward - - -	£ 50,562,490	5,447,070

SCHED. (B).
PART 14.
Civil.
Class VII.
1947-48.

SCHEDULE (B).—PART 14—continued.

		Sums not exceeding	
		Supply Grants.	Appropriation in Aid.
Brought forward - - -		£ 50,562,490	£ 5,447,070
Vote.			
10.	For expenditure in respect of miscellaneous works services, including certain grants in aid - - -	6,241,295	3,532,200
11.	For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and for rates on buildings occupied by representatives of British Dominions and of Foreign Powers; and for the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - -	9,976,735	153,460
12.	For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - - -	9,052,733	2,037,000
13.	For the salaries and expenses of the Central Office of Information -	3,517,700	980,700
14.	Towards the expense of constructing a harbour of refuge at Peterhead -	47,000	—
15.	For expenditure in respect of public works and buildings in Ireland -	183,345	2,960
TOTAL, CIVIL, CLASS VII -		£ 79,581,298	12,153,390

SCHEDULE (B).—PART 15.

SCHED. (B).
PART 15.
Civil.
Class VIII.
1947-48.

CIVIL.—CLASS VIII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For war pensions and allowances (including cost of treatment) arising out of the war of 1914-18 to merchant seamen and fishermen and their dependants, and the expenses of the Fishing Vessels Committee - - -	255,330	—
2. For the salaries and expenses of the Ministry of Pensions; payments in respect of war pensions, gratuities and allowances; sundry contributions in respect thereof and other services, including payment of War Service Grants - - - - -	94,294,000	921,000
3. For pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments -	1,260,000	—
4. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances and supplementary pensions in respect of civil employment - - - - -	4,800,000	44,743
TOTAL, CIVIL, CLASS VIII -	£100,609,330	965,743

SCHED. (B).
PART 16.
Civil.
Class IX.
1947-48.

SCHEDULE (B).—PART 16.

CIVIL.—CLASS IX.

- SCHEDULE OF SUMS granted and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the General Exchequer Contribution and certain other grants to local authorities in England and Wales - - - - -	58,030,000	1,104,000
2. For the General Exchequer Contribution and certain other grants to local authorities in Scotland - -	8,381,942	175,000
TOTAL, CIVIL, CLASS IX -	£ 66,411,942	1,279,000

SCHEDULE (B).—PART 17.

SCHED. (B).
PART 17.
Civil.
Class X.
1947-48.

CIVIL.—CLASS X.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Ministry of Supply, including the cost of trading services and of assistance to certain industries- - - -	135,500,000	259,500,000
2. For the salaries and expenses of the British Supply Office in the United States of America - - - -	502,000	20,000
3. For the salaries and expenses of the Ministry of Food ; the cost of trading services including certain subsidies ; and sundry other services- - - -	333,424,216	1,056,500
4. For the cost of Shipping and Inland Transport Services arising out of the War - - - - -	57,681,900	99,262,100
5. For the cost of the war services of the Ministry of Fuel and Power - - -	12,350,000	31,650,000
6. For the cost of the war services of the Home Office - - - - -	25,651,100	3,363,350
7. For the salaries and expenses of the German Section of the Foreign Office (formerly the Control Office for Germany and Austria), the Control Commission for Germany and the Allied Commission for Austria, including certain supplies and services essential to the Occupation, contributions to the Joint Export-Import Agency for the Combined Zones of Germany, commodity advances for Germany, and financial assistance to Austria -	86,412,930	15,750,000
Carried forward- - -	£651,522,146	410,601,950

SCHED. (B).
PART 17.
Civil.
Class X.
1947-48.

SCHEDULE (B).—PART 17—continued.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
Brought forward - - -	-	651,522,146	410,601,950
Vote.			
8. For the cost of the United Kingdom contribution to the United Nations Relief and Rehabilitation Administration - - - - -	-	1,000,000	—
9. For advances to the Governments of Allied, &c., Countries - - -	-	27,250,000	—
10. For the salaries and expenses of the War Damage Commission - -	-	1,536,300	300
10A. For a grant in aid of the Lord Mayor's National Flood Distress Fund -	-	1,000,000	—
11. For the cost of the war services of the Scottish Home Department - -	-	1,010,500	230,400
TOTAL, CIVIL, CLASS X -	-	£683,318,946	410,832,650

SCHEDULE (B).—PART 18.

SCHED. (B).
PART 18.
Revenue
Departments.
1947-48.

REVENUE DEPARTMENTS.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1948, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote 1. For the salaries and expenses of the Customs and Excise Department -	7,852,300	268,300
2. For the salaries and expenses of the Inland Revenue Department - -	17,800,375	296,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones and a grant in aid -	146,918,000	11,650,399
TOTAL, REVENUE DEPARTMENTS £	172,570,675	12,214,699

SCHED. (C).
PART I.
Navy Services.
1945-46.
Section 5.

SCHEDULE (C).—PART I.

NAVY SERVICES, 1945-46, VOTES.	Deficits.		Surpluses.
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.
1. Wages, &c., of Officers and Men of the Royal Navy and Royal Marines, and of certain other Personnel serving with the Fleet.	141,425,864 18 11	46,890,628 16 9	—
2. Victualling and Clothing for the Navy.	69,900,922 8 2	—	11,914,474 10 —
3. Medical Establishments and Services.	4,550,488 18 6	—	251,317 13 3
4. Civilians employed on Fleet Services.	4,729,656 11 9	—	3,502 18 —
5. Educational Services	264,761 8 —	—	95,543 12 11
6. Scientific Services ...	4,639,451 18 1	—	135,079 3 7
7. Royal Naval Reserves	64,648 3 4	10 — —	—
8. Shipbuilding, Repairs, Maintenance, &c.			
Section I.—Personnel	35,051,894 9 5	—	446,642 14 1
Section II.—Matériel	127,005,042 10 8	—	17,926,911 — 8
Section III.—Contract Work.	173,575,450 16 2	—	5,385,827 8 —
9. Naval Armaments	46,625,495 10 2	—	7,264,463 18 9
10. Works, Buildings and Repairs at Home and Abroad.	26,413,858 8 7	—	630,004 17 9
11. Miscellaneous Effective Services	48,006,007 4 5	—	9,083,379 17 4
12. Admiralty Office ...	6,976,456 2 2	—	1,855 19 1
13. Non-effective Services (Naval and Marine) —Officers.	2,155,298 7 9	—	5,064 6 5
14. Non-effective Services (Naval and Marine) —Men.	5,957,511 9 8	—	16,770 14 11
15. Civil Superannuation, Allowances and Gratuities.	2,203,728 6 4	—	6,752 16 2
16. Merchant Shipbuilding, &c.	22,220,455 15 1	—	1,939,032 1 5
Balances Irrecoverable and Claims Abandoned.	76,267 8 9	—	—
<i>Deduct</i> —Sum to be surrendered to the Exchequer in respect of the Excess of Receipts over the total of Appropriations-in-Aid authorised by Parliament.	—	—	55,106,623 12 4 8,215,984 15 7
	721,843,260 15 11	46,890,638 16 9	Total Surpluses available £46,890,638 16s. 9d.
	Total Deficits £768,733,899 12s. 8d.		
	Net Deficit met from Vote of Credit ... £721,843,260 15s. 11d.		

SCHEDULE (C).—PART II.

SCHED. (C).
PART II.
Army Services.
1945-46.
Section 5.

ARMY SERVICES, 1945-46, VOTES.	Deficits.		Surpluses.
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Army	570,436,884 8 2	188,365,139 3 11	—
2. Territorial Army and Reserve Forces.	1,554,569 6 1	—	397,373 11 7
3. Medical Services ...	6,147,310 14 1	—	202,758 2 3
4. Educational Estab- lishments.	1,536,644 4 —	—	46,328 17 11
5. Quartering and Move- ments.	135,324,127 17 1	—	5,347,496 18 11
6. Supplies, Road Trans- port and Remounts.	310,111,770 7 2	—	13,306,390 14 4
7. Clothing ...	5,119,266 9 2	—	92,989 7 11
8. General Stores ...	43,179,430 19 —	—	728,155 19 10
9. Warlike Stores ...	3,736,078 6 7	—	771,101 6 8
10. Works, Buildings and Lands.	73,983,901 15 9	—	5,275,600 13 4
11. Miscellaneous Effe- ctive Services.	107,688,552 8 —	—	3,089,694 17 1
12. War Office ...	3,667,951 2 9	—	589 4 5
13. Half-pay, Retired Pay and other Non- effective Charges for Officers.	4,039,507 5 7	—	395,858 13 —
14. Pensions and other Non-effective Char- ges for Warrant Officers, Non-com- missioned Officers, men and others.	1,932,012 6 11	—	595,373 6 1
15. Civil Superannuation, Compensation and Gratuities.	536,608 — 2	—	764 4 5
Balances Irrecoverable and Claims Aban- doned.	40,878,908 6 8	—	—
	1,309,873,523 17 2	188,365,139 3 11	
	Total Deficits. £1,498,238,663 1s. 1d.		Total Surpluses. £30,250,475 17s. 9d.
	Net Deficit met from Vote of Credit } £1,467,988,187 3s. 4d.		

SCHED. (C).
PART III.
Air
Services.
1945-46.
Section 5.

SCHEDULE (C).—PART III.

AIR SERVICES, 1945-46, VOTES.	Deficits.		Surpluses.
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Air Force.	268,070,249 6 1	65,540,918 17 5	—
2. Quarters, Non-Technical Stores, Supplies and Transportation.	56,177,732 13 5	—	3,786,452 14 10
3. Technical and War-like Stores.	91,504,150 17 4	—	48,410,094 7 -
4. Works, Buildings and Lands.	63,196,497 1 2	—	1,940,584 10 -
5. Medical Services ...	845,275 13 6	—	16,179 6 7
6. Educational Services	1,116,327 8 2	—	10,691 7 3
7. Reserve and Auxiliary Forces.	114,030 16 -	—	511 8 -
8. Civil Aviation ...	63,113 14 3	—	9,941 5 4
9. Meteorological and Miscellaneous Effective Services.	24,151,757 9 7	—	467,622 15 7
10. Air Ministry ...	3,970,101 1 7	—	18,257 5 11
11. Half-Pay, Pensions and other Non-effective Services.	1,588,847 15 3	—	9,357 10 8
Balances Irrecoverable and Claims Abandoned.	61,528 2 9	—	—
	510,859,611 19 1	65,540,918 17 5	
	Total Deficits £576,400,530 16s. 6d.		Total Surpluses £54,669,692 11s. 2d.
	Net Deficit met from Vote of Credit } £521,730,838 5s. 4d.		

CHAPTER 53.

Town and Country Planning (Scotland) Act, 1947.

ARRANGEMENT OF SECTIONS.

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

Section.

1. The Central Land Board.
2. Local planning authorities.

PART II.

PLANNING AND CONTROL OF DEVELOPMENT, &c.

Development plans.

3. Surveys of planning districts and preparation of development plans.
4. Amendment of development plans.
5. Additional powers of the Secretary of State with respect to development plans.
6. Incorporation in development plans of orders relating to trunk roads and new towns.
7. Modification of development plans in relation to land designated as subject to compulsory acquisition.
8. Supplementary provisions as to development plans.
9. Validity and date of operation of development plans.

Permission to develop land.

10. Obligation to obtain permission for development.
11. Development orders.
12. Applications to local planning authorities for planning permission.
13. Reference of applications to Secretary of State.
14. Appeals to the Secretary of State.
15. Applications to determine whether planning permission required.
16. Supplementary provisions as to grant of planning permission.
17. Obligation to purchase land on refusal of planning permission in certain cases.
18. Compensation for refusal of planning permission in certain cases.
19. Revocation and modification of planning permission.
20. Supplementary provisions as to revocation and modification of planning permission.
21. Enforcement of planning control.
22. Supplementary provisions as to enforcement.
23. Agreements regulating development or use of land.

Additional powers of control.

24. Powers relating to authorised uses.
25. Provisions supplementary to s. 24.
26. Orders for preservation of trees and woodlands.
27. Orders for the preservation of buildings of special architectural or historic interest.
28. Lists of buildings of special architectural or historic interest.
29. Control of advertisements.
30. Provisions supplementary to s. 29.
31. Powers relating to ruinous or dilapidated buildings, waste land, etc.

Supplemental.

Section.

- 32. Application to local authorities and statutory undertakers.
- 33. Temporary provisions pending approval of plans.

PART III.

ACQUISITION OF LAND, ETC.

Acquisition and disposal of land for planning purposes.

- 34. Compulsory acquisition by Ministers, local authorities and statutory undertakers.
- 35. Compulsory acquisition by local planning authorities of land for development.
- 36. Power to expedite completion of purchase under s. 35.
- 37. Acquisition of land by agreement for development.
- 38. Power to acquire buildings of special architectural or historic interest.
- 39. Power of local authorities to appropriate certain land for planning purposes.
- 40. Acquisition of land by Central Land Board.
- 41. Incorporation of certain provisions of Act of 1945.
- 42. Amendment of 10 & 11 Geo. 6. c. 42, in relation to acquisition of land under Part III.
- 43. Acquisition of land by Development Corporations under New Towns Act, 1946.

Powers relating to highways.

- 44. Construction of highways on land acquired under Part III.
- 45. Construction and improvement of private streets, etc.
- 46. Power to stop up and divert highways, etc.

PART IV.

AMENDMENTS OF LAW RELATING TO COMPENSATION ON
COMPULSORY ACQUISITION OF LAND.

- 47. Abolition of the 1939 standard of compensation on compulsory acquisition.
- 48. Compensation for compulsory acquisition after appointed day.
- 49. Temporary provisions for eliminating special value attributable to vacant possession.
- 50. Compensation for compulsory acquisition of land attracting converted value payments.
- 51. Compensation for compulsory acquisition of requisitioned land.
- 52. Compensation for compulsory acquisition after passing of this Act and before the appointed day.
- 53. Special provisions as to war-damaged land where compensation assessed by reference to cost of equivalent reinstatement.
- 54. Amendments of 9 & 10 Geo. 5. c. 57, etc.

PART V.

PAYMENTS OUT OF CENTRAL FUNDS IN RESPECT OF
DEPRECIATION OF LAND VALUES.*Payments for depreciation.*

- 55. Payments for depreciation of land values.
- 56. Additional payments in respect of certain war-damaged land.
- 57. Establishment of claims for payments.

Section.

- 58. Ascertainment of development values of land.
- 59. Supplementary provisions as to development values.
- 60. Exclusion of small claims.
- 61. Vesting and assignment of right to payments under Part V.

Satisfaction of payments.

- 62. Satisfaction of payments under Part V.
- 63. General provisions as to stock.
- 64. Provision for payments in cash.
- 65. Payments by Central Land Board into Exchequer.

PART VI.

DEVELOPMENT CHARGES.

- 66. Levy of development charge in respect of certain development.
- 67. Determination of development charge by Central Land Board.
- 68. Payment and security for payment of development charges.
- 69. Scope and effect of determinations of Central Land Board.
- 70. Variation of determinations and repayment of development charges in certain cases.
- 71. Powers of Central Land Board as to development carried out in contravention of Part VI.

PART VII.

APPLICATION TO SPECIAL CASES.

- 72. Existing development contravening previous planning control.
- 73. Existing development authorised subject to conditions.
- 74. General provisions as to development authorised under interim development orders on or after 11th November, 1943.
- 75. Unfinished buildings.
- 76. Compensation for abortive expenditure on refusal of planning permission for other development authorised before appointed day.
- 77. Land ripe for development before the appointed day.
- 78. Mineral workings.
- 79. Land held by local authorities for general statutory purposes.
- 80. Land acquired by local planning authorities and development corporations for comprehensive development or re-development.
- 81. Operational land of statutory undertakers.
- 82. Land held for charitable purposes.
- 83. Crown land.
- 84. Agreements and arrangements relating to Crown land.
- 85. Requisitioned land.
- 86. Property of National Coal Board.
- 87. Land acquired by notice to treat served before appointed day.
- 88. Determination of questions under Part VII.

PART VIII.

FINANCES OF LOCAL AUTHORITIES.

- 89. Exchequer grants to local planning authorities in respect of acquisition and clearance of land in re-development areas.
- 90. Other Exchequer grants to local planning authorities.
- 91. General provisions as to Exchequer grants to local planning authorities.

Section.

- 92. Grants in respect of certain compensation paid before the appointed day.
- 93. Power of Ministers to contribute towards compensation paid by local authorities.
- 94. Power of local authorities and statutory undertakers to contribute towards expenses of local planning authorities, etc.
- 95. Expenses of, and borrowing by, local authorities.

PART IX.

SUPPLEMENTAL.

Supplementary Provisions as to local planning authorities.

- 96. Default powers of Secretary of State.
- 97. Power to transfer planning functions of town councils of small burghs to county councils.
- 98. Applications for planning permission, determination of development charges, etc.

General Provisions.

- 99. Powers of entry.
- 100. Local inquiries, etc.
- 101. Service of notices.
- 102. Power to require information as to ownership of land.
- 103. Expenses of tribunals, etc.
- 104. Expenses of Ministers.
- 105. Determination of disputes as to compensation, etc.
- 106. Appointment of arbiters under 9 & 10 Geo. 5. c. 57.
- 107. Regulations and orders.
- 108. Assumptions as to planning permission.
- 109. Amendments and repeals.
- 110. Exercise of functions of Board of Trade.
- 111. Saving for Postmaster General.
- 112. Application to land regulated by special enactments.
- 113. Interpretation.
- 114. Short title, commencement and extent.

SCHEDULES :

First Schedule.—Local Administration.

Part I.—Voluntary Combination of Authorities.

Part II.—Combination of Authorities by Order.

Part III.—Joint Advisory Committees.

Part IV.—Planning Committees.

Part V.—Sub-committees.

Second Schedule.—Excepted Enactments for the purposes of s. 11.

Third Schedule.—Excepted classes of development.

Part I.—Development included in existing use for purposes other than compensation under s. 18.

Part II.—Development included in existing use for all purposes.

Fourth Schedule.—Provisions relating to compensation under Part II.

Fifth Schedule.—Special provisions relating to development by statutory undertakers.

Sixth Schedule.—Procedure for making orders under s. 46.

Seventh Schedule.—Modifications of Part II of Town and Country Planning (Scotland) Act, 1945.

Eighth Schedule.—Enactments amended.

Ninth Schedule.—Enactments repealed.

Tenth Schedule.—Transitory provisions and provisions consequential on repeals.

Eleventh Schedule.—Unrepealed provisions of the Town and Country Planning (Scotland) Act, 1945, reprinted as amended by this Act.

An Act to make fresh provision with respect to Scotland for planning the development and use of land, for the grant of permission to develop land and for other powers of control over the use of land; to confer on public authorities additional powers in respect of the acquisition and development of land for planning and other purposes, and to amend the law relating to compensation in respect of the compulsory acquisition of land; to provide for payments out of central funds in respect of depreciation occasioned by planning restrictions; to secure the recovery for the benefit of the community of development charges in respect of certain new development; to provide for the payment of grants out of central funds in respect of expenses of local planning authorities in connection with the matters aforesaid; and for purposes connected with the matters aforesaid. [13th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

1.—(1) In this Act the expression "Central Land Board" means the Board established under the Town and Country Planning Act, 1947. The Central Land Board.
10 & 11 Geo. 6
c. 51.

(2) The Board shall have an office in Scotland and shall maintain there such staff as may be necessary for the proper performance of their functions under this Act.

(3) The Board shall, in the performance of their functions under this Act, comply with such directions as may be given to them by the Secretary of State.

PART I.
—cont.

(4) The report made by the Board for any year under section two of the Town and Country Planning Act, 1947, shall set out any direction given by the Secretary of State to the Board during that year unless the Secretary of State has notified to the Board his opinion that it is against the interests of national security so to do.

(5) The functions under this Act of the Board, and of their officers and servants, shall be exercised on behalf of the Crown.

(6) Regulations made for the purposes of section two of the Town and Country Planning Act, 1947, shall provide for requiring members of the Board who are interested in any land which is the subject of a claim or application made to the Board under this Act to disclose to the Board the nature of their interest, and may for that purpose apply any of the provisions of section one hundred and forty-nine of the Companies Act, 1929, subject to such modifications as may be prescribed by the regulations.

19 & 20 Geo. 5.
c. 23.

(7) Any administrative expenses incurred for the purposes of this Act by the Board with the approval of the Secretary of State shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

Local
planning
authorities.

2.—(1) Subject to the provisions of this section the local planning authority for the purposes of this Act shall be—

- (a) in the case of a large burgh, the town council;
- (b) in the case of a county (including, subject as after-mentioned, any small burghs therein), the county council or, in the case of a county combined with another county for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, the joint county council of the combined county; and
- (c) in the case of a small burgh, to the town council of which powers and duties have been transferred under subsection (2) of section two of the Act of 1932, the town council,

10 & 11 Geo. 6.
c. 43.

and the district of the local planning authority shall be the burgh or the county or the combined county, as the case may be.

(2) Two or more local planning authorities may, with the consent of the Secretary of State, combine for any of the purposes of any provision of this Act on such terms and conditions as may be agreed between them and approved by the Secretary of State.

(3) If it appears to the Secretary of State that the combination of any local planning authority with any other local planning authority or authorities for any of the purposes of any provision of this Act would be of public or local advantage he may make an order combining those authorities as respects their districts or parts thereof for such of the purposes aforesaid as are specified in the order:

PART I.
—cont.

Provided that the Secretary of State shall not make such an order except after holding a local inquiry unless all the authorities concerned have consented to the making of the order.

(4) Any such order shall be laid before Parliament and if either House within a period of forty days after the order is so laid before it resolves that the order be annulled, the order shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning for the purposes of this subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(5) The provisions of Part I and Part II of the First Schedule to this Act shall have effect with respect to the combination of authorities under subsection (2) and subsection (3) respectively of this section; the provisions of Part III and Part IV of that Schedule shall have effect with respect to the establishment and functions of joint advisory committees and of planning committees respectively of local planning authorities; and the provisions of Part V of that Schedule shall have effect with respect to the establishment and functions of sub-committees of joint planning committees appointed in pursuance of any combination of local planning authorities under subsection (2) or subsection (3) of this section, of joint advisory committees and of planning committees of local planning authorities.

PART II.

PLANNING AND CONTROL OF DEVELOPMENT, &C.

Development plans.

3.—(1) As soon as may be after the appointed day, every local planning authority shall carry out a survey of their district, and shall, not later than three years after the appointed day, or within such extended period as the Secretary of State may in any particular case allow, submit to the Secretary of State a report of the survey together

Surveys of
planning
districts and
preparation of
development
plans.

PART II.
—cont.

with a plan (hereinafter called a “development plan”) indicating the manner in which they propose that land in that district should be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development should be carried out.

(2) Subject to the provisions of any regulations made under this Act for regulating the form and content of development plans, any such plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of the district; and any such plan may in particular—

- (a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;
- (b) designate as land subject to compulsory acquisition by any Minister, local authority or statutory undertakers any land allocated by the plan for the purposes of any of their functions (including any land which that Minister or authority or those undertakers are or could be authorised to acquire compulsorily under any enactment other than this Act);
- (c) designate as land subject to compulsory acquisition by the appropriate local authority—
 - (i) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein which is allocated by the plan for any such purpose as is mentioned in paragraph (b) of this subsection);
 - (ii) any other land which, in the opinion of the local planning authority, ought to be subject to compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(3) For the purposes of this section a development plan may define as an area of comprehensive development any area which in the opinion of the local planning authority should be developed or redeveloped as a whole for any one or more of the following purposes, that is to say, for the purpose of dealing satisfactorily with extensive war damage or conditions of bad layout or obsolete development, or for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area, or for any other purpose specified in the plan; and land may be included

in any area so defined, and designated as subject to compulsory acquisition in accordance with the provisions of subsection (2) of this section, whether or not provision is made by the plan for the development or redevelopment of that particular land.

(4) The Secretary of State may approve any development plan submitted to him under this section either without modification or subject to such modifications as he considers expedient:

Provided that—

- (a) he shall not approve a development plan which designates any land as subject to compulsory acquisition as aforesaid if it appears to him that the acquisition is not likely to take place within ten years from the date on which the plan is approved, or in the case of agricultural land as defined in subsection (4) of section forty-nine of this Act within seven years from that date;
 - (b) he shall not, except with the consent of all persons interested, approve a development plan subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him;
 - (c) where a development plan as submitted to the Secretary of State designates as subject to compulsory acquisition any such land as is mentioned in paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (which relates to land of local authorities and statutory undertakers and inalienable land of the National Trust for Scotland) then, if objection to the proposed designation is duly made by the local authority or statutory undertakers or the National Trust for Scotland, as the case may be, and is not withdrawn, the land shall not be so designated except in pursuance of an order made by the Secretary of State (or, in the case of land being operational land of statutory undertakers, by the Secretary of State and the appropriate Minister) and any such order shall be subject to special parliamentary procedure.
- (5) At any time before a development plan with respect to the whole of the district of a local planning authority has been approved under this section, that authority may, with the consent of the Secretary of State, and shall if so required by directions of the Secretary of State, prepare and submit to him a development plan relating to any part of that district, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of that district.

10 & 11 Geo. 6.
c. 42.

PART II.
—cont.
Amendment of
development
plans.

4.—(1) At least once in every five years after the date on which a development plan for any district is approved by the Secretary of State, the local planning authority shall carry out a fresh survey of that district, and submit to the Secretary of State a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto.

(2) Without prejudice to the provisions of the foregoing subsection, a local planning authority may at any time, and shall if so required by directions of the Secretary of State, submit to the Secretary of State proposals for such alterations or additions to the development plan relating to their district as appear to them to be expedient, or as may be required by those directions, as the case may be.

(3) Where proposals for alterations or additions to a development plan are submitted to the Secretary of State under this section, he may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations:—

Provided that the proviso to subsection (4) of the last foregoing section shall apply in relation to the amendment of a development plan by the Secretary of State as it applies in relation to the approval of such a plan by him, and for that purpose shall have effect—

(a) as if for the reference in paragraph (a) to the date on which the plan is approved there were substituted a reference to the date on which the amendment is effected; and

(b) as if for the references in paragraphs (b) and (c) to the plan as submitted to the Secretary of State there were substituted references to the proposals submitted to him under this section.

(4) Where, under subsection (5) of the last foregoing section, a development plan is approved with respect to a part of the district of a local planning authority, the periods of five years mentioned in subsection (1) of this section shall run from the date on which development plans in respect of the whole of the district of the local planning authority have been approved by the Secretary of State.

(5) Any proposal submitted to the Secretary of State under this section for any alteration or addition to a development plan and any amendment made by the Secretary of State under this section to a development plan may provide for securing that any land previously designated by the plan as subject to compulsory acquisition shall cease to be so designated, or that any land not previously so designated shall be so designated.

PART II.

—cont.

Additional
powers of the
Secretary of
State with
respect to
development
plans.

5.—(1) Where, by virtue of any of the foregoing provisions of this Part of this Act, or of any directions of the Secretary of State thereunder, any development plan, or any report or proposals for alterations or additions to a development plan, are required to be submitted to the Secretary of State, then—

(a) if within the period prescribed in that behalf by those provisions or directions no such plan or report or proposals, or no such plan or proposals satisfactory to the Secretary of State, have been so submitted; or

(b) if at any time it appears to the Secretary of State that the local planning authority are not taking the steps necessary to enable them to submit such a plan or report or proposals within that period,

the Secretary of State may, after carrying out any survey which appears to him to be expedient for the purpose, make such a development plan, or, as the case may be, amend the development plan to such extent, as he considers expedient.

(2) Where, under the foregoing provisions of this section, the Secretary of State has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any neighbouring district or any other local planning authority who appear to the Secretary of State to have an interest in the proper planning of the district concerned to submit such a plan to him for his approval, or, as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose, and may approve any plan so submitted either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend the plan to such extent as he considers expedient having regard to the proposals so submitted and to any other material considerations.

(3) The foregoing provisions of this Part of this Act shall, so far as applicable, apply to the making, approval or amendment of development plans under this section, and to such plans so made, approved or amended, as they apply to the approval or amendment of development plans under those provisions, and to plans approved or amended thereunder.

(4) Any expenses incurred by the Secretary of State under this section in connection with the making or amendment of a development plan with respect to the district, or any part of the district, of a local planning authority shall be paid in the first instance out of moneys provided by Parliament, but so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Secretary of State.

PART II.
—*cont.*

(5) Where, under this section, a development plan, or proposals for the amendment of such a plan are authorised to be submitted to the Secretary of State by the local planning authority for any district other than the district in which the land is situated, any expenses reasonably incurred in that behalf by the said authority, as certified by the Secretary of State, shall be repaid to that authority by the local planning authority for the district in which the land is situated.

Incorporation
in develop-
ment plans
of orders
relating to
trunk roads
and new
towns.
9 & 10 Geo. 6.
c. 30.

6.—(1) Where an order is made by the Minister of Transport in accordance with the Second Schedule to the Trunk Roads Act, 1946, directing that any road proposed to be constructed by him shall become a trunk road, or authorising him to construct or improve any road under section four of that Act, any development plan which relates to land on which a road is to be constructed or improved in accordance with that order shall have effect as if the provisions of that order were included in the plan.

9 & 10 Geo. 6.
c. 68.

(2) Where an order is made by the Secretary of State under section one of the New Towns Act, 1946, designating any area as the site of a new town under that Act, any development plan which relates to land in that area shall have effect as if the provisions of that order were included in the plan.

(3) Nothing in this section shall be construed as prohibiting the inclusion in a development plan of provisions defining the line of roads proposed to be constructed by the Minister of Transport in accordance with any such order as is mentioned in subsection (1) of this section, or areas designated as the sites of new towns by any such order as is mentioned in subsection (2) of this section, or of provisions defining land as likely to be made the subject of any such order as aforesaid.

(4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in subsection (1) or subsection (2) of this section to be taken concurrently with proceedings required under this Act to be taken in connection with the approval or making of a development plan relating to land to which any such order applies or in connection with any amendment of a development plan rendered necessary or desirable in consequence of any such order.

Modification
of develop-
ment plans in
relation to
land desig-
nated as
subject to
compulsory
acquisition.

7.—(1) Where any land is designated by a development plan as subject to compulsory acquisition, then if at the expiration of twelve years from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated came into operation, any of that land has not been acquired by a Minister, local authority or statutory undertakers who could be authorised to acquire it compulsorily under the provisions of this Act, any owner of the

land may, within the time and in the manner prescribed by regulations under this Act, serve on the local planning authority a notice requiring his interest in the land to be so acquired.

PART II.
—*cont.*

(2) Where any such notice is served as aforesaid, then unless within six months after the service of the notice either—

- (a) notice to treat in respect of the interest to which the notice relates has been served by any such Minister, authority or undertakers as aforesaid; or
- (b) an offer has been made to the owner of the said interest by any such Minister, local authority or undertakers to acquire it on terms that the price payable therefor shall be equal to (and shall be determined, in default of agreement, in like manner as) the compensation which would be payable in respect of that interest if it were acquired compulsorily,

the development plan shall have effect, after the expiration of the said six months, as if the land were not designated as subject to compulsory acquisition.

(3) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is served as mentioned in paragraph (a) of the last foregoing subsection. 9 & 10 Geo. 5
c. 57.

(4) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority (not being land comprised in an area defined by the plan as an area of comprehensive development) then if planning permission is granted for any development of the land so designated, or any part thereof, and that development is carried out in accordance with the permission so granted, the development plan shall have effect as if the land to which the permission relates were not designated as subject to compulsory acquisition:

Provided that where any such permission as aforesaid is granted for a limited period only, the provisions of this subsection shall cease to have effect in relation to the land at the expiration of that period.

(5) In relation to land being agricultural land as defined in subsection (4) of section forty-nine of this Act subsection (1) of this section shall have effect as if for the words "twelve years" there were substituted the words "eight years."

PART II.
—*cont.*
Supple-
mentary
provisions as
to develop-
ment plans.

8.—(1) Before preparing a development plan which relates to any land comprised in a small burgh in their district, or proposals for alterations or additions to any such plan, the local planning authority shall consult with the town council of that burgh, and shall, before submitting any such plan or proposal to the Secretary of State, give to such town council an opportunity to make representations with respect thereto and consider any representations so made.

(2) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with the preparation, submission, approval, making and amendment of such plans, and such regulations shall in particular make provision for securing—

(a) that before preparing a development plan or proposals for alterations or additions to any such plan the local planning authority shall consult with such bodies or persons as may be prescribed by the regulations, and in particular, but without prejudice to the generality of this provision, with the appropriate agricultural executive committee;

(b) that notice shall be given by advertisement in one or more newspapers circulating in the area concerned of the submission to the Secretary of State of any such plan or of proposals for the amendment of any such plan, and of any proposal by the Secretary of State to make or amend such a plan and of the place or places where copies of the plan or proposals as so submitted, or of any such proposal of the Secretary of State, may be inspected;

(c) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed by the regulations shall be held, before such a plan is approved, made or amended by the Secretary of State; and

(d) that copies of any such plan as approved or made by the Secretary of State, including any amendments thereof, shall be available for inspection by the public, and that copies thereof (including reproductions on such scale as may be appropriate of any relevant maps) shall be available on sale to the public at a reasonable cost.

(3) If as the result of any objections or representations considered, or of any local inquiry or other hearing held, in connection with a development plan or proposals for amendment of such a plan submitted to or prepared by the Secretary of State under this Part of this Act, the Secretary of State is of opinion that the local planning authority or any other

authority or person ought to be consulted before he decides whether to approve or make the plan either with or without modifications, or to amend the plan, as the case may be, he shall consult that authority or person, but shall not be under any obligation to consult any other authority or person, or to afford any opportunity for further objections or representations or to cause any further local inquiry or other hearing to be held.

(4) Subject to the foregoing provisions of this section, the Secretary of State may give directions to any local planning authority, or to local planning authorities generally—

(a) for formulating the procedure for the carrying out of their functions under the foregoing provisions of this Part of this Act;

(b) for requiring them to furnish to him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

(5) The provisions of the Statutory Orders (Special Procedure) Act, 1945, with regard to the publication of notices in the Edinburgh Gazette and in a newspaper, shall, notwithstanding anything in that Act contained, not apply to any order made in pursuance of paragraph (c) of the proviso to subsection (4) of section three of this Act if the requirements imposed by regulations under this section with respect to the publication of notices in relation to the development plan have been complied with.

9 & 10 Geo. 6.
c. 18.

9.—(1) Immediately after a development plan has been approved or made or amended by the Secretary of State under this Part of this Act, the local planning authority shall publish in such manner as may be prescribed by regulations under this Act a notice stating that the plan has been approved, made, or amended, as the case may be, and naming a place where a copy of the plan or of the plan, as amended, may be seen at all reasonable hours, and shall serve a like notice on any person by whom an objection or representation was duly made to the proposed plan or amendment, and who has sent to the authority a request in writing to serve him with the notice required by this subsection, specifying an address for service, and on such other persons, if any, as may be required by general or special directions given by the Secretary of State.

Validity and
date of opera-
tion of devel-
opment plans.

(2) If any person aggrieved by the plan or by the amendment, as the case may be, desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act, or on the ground that any requirement of this Act or any regulation made thereunder has not been complied with in relation to the approval or making of the plan, or, as the case may be, in relation to

PART II.
—cont.

PART II.
—*cont.*

the making of the amendment, he may, within six weeks from the date on which the notice required by the last foregoing subsection is first published, make an application to the Court of Session, and on any such application the Court—

- (a) may by interim order suspend the operation of the plan or amendment, as the case may be, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that the plan or amendment, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the plan or amendment or any provision contained therein either generally or in so far as it affects any property of the applicant.
- (3) Subject to the provisions of the last foregoing subsection, a development plan or an amendment of a development plan shall not, either before or after it has been approved or made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which the notice required by this section is first published.
- (4) Except by leave of the Court of Session, no appeal shall lie to the House of Lords from a decision of the Court of Session under this section.
- (5) Where under paragraph (c) of the proviso to subsection (4) of section three of this Act any land to which a development plan relates is designated as subject to compulsory acquisition in pursuance of an order to which the Statutory Orders (Special Procedure) Act, 1945, applies, then—
- (a) if the order is confirmed by Act of Parliament under subsection (4) of section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, subsections (2) and (3) of this section shall not apply to the plan so far as it designates that land; and
 - (b) in any other case this section shall have effect in relation to the plan so far as it so designates that land, as if in subsection (2) for the reference to the date on which the notice required by subsection (1) is first published there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from “ and shall become operative ” to the end of the subsection were omitted.

Permission to develop land.

PART II.

—cont.

10.—(1) Subject to the provisions of this section and to the following provisions of this Act, permission shall be required under this Part of this Act in respect of any development of land which is carried out after the appointed day.

Obligation
to obtain
permission for
development.

(2) In this Act, except where the context otherwise requires, the expression “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land:

Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to involve development of the land, that is to say:—

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- (b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road;
- (c) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use thereof for any other purpose of the same class.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used;

PART II.
—cont.

- (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if the superficial area or the height of the deposit is thereby extended:

Provided that nothing in paragraph (b) of this subsection shall be deemed to require permission in respect of the deposit of refuse or waste materials on a site already used for that purpose if the height of the deposit does not exceed the level of the land adjoining such site, and the superficial area of the deposit is not thereby extended.

(4) Without prejudice to the provisions of any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

(5) Notwithstanding anything in this section, planning permission shall not be required—

- (a) in the case of land which, on the appointed day, is being used temporarily for a purpose other than the purpose for which it is normally used, in respect of the resumption of the use of the land for the last-mentioned purpose;
- (b) in the case of land which, on the appointed day, is normally used for one purpose and is also used on occasions, whether at regular intervals or not, for any other purpose, in respect of the use of the land for that other purpose on similar occasions after the appointed day;
- (c) in the case of land which on the appointed day is unoccupied, in respect of the use of the land for the purpose for which it was last used:

Provided that—

- (i) in determining for the purposes of paragraph (a) of this subsection the purposes for which land was normally used and in determining for the purposes of paragraph (c) of this subsection the purposes for which land was last used, no account shall be taken of any use of the land begun in contravention of previous planning control within the meaning of section seventy-two of this Act;
- (ii) paragraph (c) of this subsection shall not apply to land which was unoccupied on the seventh day of January, nineteen hundred and thirty-seven, and has not been occupied since that date.

11.—(1) The Secretary of State shall by order provide for the grant of planning permission, and such permission may be granted—

PART II.
—*cont.*
Development
orders.

- (a) in the case of any development specified in any such order, or in the case of development of any class so specified, by that order itself;
- (b) in any other case, by the local planning authority (or, in the cases hereinafter provided, by the Secretary of State) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.

(2) An order under subsection (1) of this section (hereinafter called a "development order") may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified, and the permission granted by any such order may be granted either unconditionally or subject to such conditions or limitations as may be so specified.

(3) Without prejudice to the generality of the last foregoing subsection, a development order which grants permission for any development may—

- (a) where permission is thereby granted for the erection, extension or alteration of any buildings, require the approval of the local planning authority to be obtained with respect to the design or external appearance thereof;
- (b) where permission is thereby granted for development of any specified class, enable the Secretary of State or the local planning authority to direct that that permission shall not apply either in relation to development in any particular area or in relation to any particular development.

(4) For the purpose of enabling development to be carried out in accordance with planning permission, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment passed before the passing of this Act, or any regulations, orders or bye-laws made (whether before or after the passing of this Act) under any such enactment shall not apply to any development specified in the order or shall apply thereto subject to any such modifications as may be so specified.

(5) Every development order shall be laid before Parliament immediately after it is made, and if either House within the period of forty days after the order is so laid before

PART II.
—*cont.*

it resolves that the order be annulled, the order shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order:

Provided that, without prejudice to the foregoing provision, where any such order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the excepted enactments specified in the Second Schedule to this Act) the order shall be of no effect until that provision is approved by resolution of each House of Parliament.

(6) In reckoning for the purpose of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Applications
to local
planning
authorities
for planning
permission.

12.—(1) Subject to the provisions of this and the next following section, where application is made to the local planning authority for planning permission, that authority may grant permission either unconditionally or subject to such conditions as they think fit, or may refuse permission; and in dealing with any such application the local planning authority shall have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations.

(2) Without prejudice to the generality of the foregoing subsection, conditions may be imposed on the grant of planning permission thereunder—

- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of, or in connection with, the development authorised by the permission;
- (b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the re-instatement of land at the expiration of that period;

and any planning permission granted subject to any such condition as is mentioned in paragraph (b) of this subsection is in this Act referred to as planning permission granted for a limited period only:

Provided that conditions may not be imposed by a local planning authority under paragraph (a) of this subsection for

regulating the development or use of any land within the area of another local planning authority except with the consent of that authority.

(3) Provision may be made by a development order for regulating the manner in which applications for planning permission are to be dealt with by local planning authorities and in particular—

- (a) for enabling the Secretary of State (or, in the case of development affecting trunk roads, the Minister of Transport) to give directions restricting the grant of planning permission by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;
- (b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order or by directions given by the Secretary of State thereunder, to grant planning permission for development which does not accord with the provisions of the development plan;
- (c) for requiring the local planning authority, before granting or refusing planning permission, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Secretary of State thereunder;
- (d) for requiring the local planning authority to give to any applicant for planning permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
- (e) for requiring the local planning authority to furnish to the Secretary of State and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for planning permission made to them, including information as to the manner in which any such application has been dealt with.

(4) Without prejudice to any provisions included in the development order by virtue of the last foregoing subsection for restricting the grant of planning permission by local planning authorities, an application to the local planning authority for permission to develop land by the erection thereon of an industrial building of any class prescribed by regulations made for the purposes of this subsection by the Board of Trade shall be of no effect unless it is certified by the Board that the development in question can be carried out consistently with the proper distribution of industry, and a copy of

PART II.
—cont.

the certificate is furnished to the local planning authority together with the application:

Provided that—

- (a) no such certificate as aforesaid shall be required in respect of the erection of any industrial building if the building does not cover an area of more than five thousand square feet; and
- (b) the regulations made by the Board for the purposes of this subsection may direct that no such certificate as aforesaid shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class as may be so prescribed.

(5) Every local planning authority shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for planning permission made to that authority, including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

Reference of
applications
to the
Secretary of
State.

13.—(1) The Secretary of State may give directions to any local planning authority, or to local planning authorities generally, requiring that any application for planning permission, or all such applications of any class specified in the directions, shall be referred to the Secretary of State instead of being dealt with by the local planning authority, and any such application shall be so referred accordingly.

(2) Where an application for planning permission is referred to the Secretary of State under this section, the provisions of subsection (1) and of subsection (2) other than the proviso thereto of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of the application by the Secretary of State as they apply in relation to the determination of such an application by the local planning authority:

Provided that before determining any such application the Secretary of State shall, if either the applicant or the local planning authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) The decision of the Secretary of State on any application referred to him under this section shall be final.

Appeals to the
Secretary of
State.

14.—(1) Where application is made to a local planning authority for planning permission, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority, or is

granted by them subject to conditions, then, if the applicant is aggrieved by their decision, he may, by notice served within the time (not being less than twenty-eight days from the receipt of notification of their decision) and in the manner prescribed by the development order, appeal to the Secretary of State:

Provided that the Secretary of State shall not be required to entertain an appeal under this subsection in respect of the determination of an application for planning permission if it appears to him that that planning permission could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section twelve of this Act and of the development order, and to any directions given under that order.

(2) Where an appeal is brought under this section from a decision of the local planning authority the Secretary of State may allow or dismiss the appeal or may reverse or vary any part of the decision of the local planning authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance; and the provisions of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of an application by the Secretary of State on appeal under this section as they apply in relation to the determination by the Secretary of State of an application referred to him under that section:

Provided that where the Secretary of State proposes to reverse or vary any part of the decision of the local planning authority to which the appeal does not relate, he shall give notice of his intention to the local planning authority and to the applicant and shall afford to them an opportunity to make representations in regard thereto.

(3) Unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority either—

- (a) give notice to the applicant of their decision on any application made to them for planning permission, or for any approval required under a development order, or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given by him under the last foregoing section,

PART II.
—*cont.*

the provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority, and as if notification of their decision had been received by the applicant at the expiration of the period prescribed by the development order or the extended period agreed upon as aforesaid, as the case may be.

(4) Provision may be made by a development order for securing that in the case of decisions by a local planning authority of such classes as may be prescribed by the order (being decisions relating to the design or external appearance of buildings or other similar matters) any appeal under this section shall lie to an independent tribunal established in accordance with the provisions of that order instead of to the Secretary of State; and in relation to any such appeal the foregoing provisions of this section shall apply, subject to such adaptations and modifications as may be specified in the order, as they apply in relation to appeals to the Secretary of State thereunder.

Applications to determine whether planning permission required.

15.—(1) If any person who proposes to carry out any operations on land or make any change in the use of land wishes to have it determined whether those operations or the making of that change in the use of land would constitute or involve development of the land within the meaning of this Act, he may, either as part of an application for permission to carry out those operations or to institute that use, or without any such application, apply to the local planning authority to determine that question.

(2) The foregoing provisions of this Part of this Act shall, subject to any necessary modifications, apply in relation to any application under this section and to the determination thereof as they apply in relation to applications for planning permission and to the determination of such applications:

Provided that where it is decided by the Secretary of State under any of the said provisions that any operations or use to which an application under this section relates would constitute or involve development, that decision shall not be final for the purposes of any appeal to the sheriff under the provisions of this Part of this Act relating to the enforcement of planning control, in relation to those operations or that use.

Supplementary provisions as to grant of planning permission.

16.—(1) The power to grant planning permission shall include power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without planning permission or in accordance with such permission

granted for a limited period only); and references in this Part of this Act to planning permission and to applications for such permission shall be construed accordingly.

(2) Any such permission as is mentioned in the foregoing subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the said period, as the case may be.

(3) Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where planning permission is granted for any development, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land to which the permission relates and of all persons for the time being interested therein, but without prejudice to the provisions of this Part of this Act with respect to the revocation and modification of planning permission.

(5) Where planning permission is granted for a limited period only, nothing in this Part of this Act shall be construed as requiring planning permission to be obtained for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted:

Provided that in determining for the purposes of this subsection the purposes for which land was normally used before the grant of permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part of this Act, or begun before the appointed day in contravention of previous planning control within the meaning of section seventy-two of this Act.

17.—(1) Where planning permission is refused, whether by the local planning authority or by the Secretary of State, or is granted by that authority or by the Secretary of State subject to conditions, then if any owner or lessee of the land concerned claims—

Obligation to purchase land on refusal of planning permission in certain cases.

(a) that the land has become incapable of reasonably beneficial use in its existing state; and

(b) in a case where planning permission was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions;

PART II.
—cont.

- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been or is deemed to be granted or for which the local planning authority or the Secretary of State have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the local planning authority in whose district the land is situated a notice (hereinafter referred to as a "purchase notice") requiring that authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on any local planning authority under this section that authority shall forthwith transmit a copy of the notice to the Secretary of State, and subject to the following provisions of this section the Secretary of State shall, if he is satisfied that the conditions specified in the foregoing subsection are fulfilled, confirm the notice, and thereupon the authority shall be deemed to be authorised to acquire the interest of that person compulsorily in accordance with the provisions of Part III of this Act, and to have served a notice to treat in respect thereof on such date as the Secretary of State may direct:

Provided that—

- (a) if it appears to the Secretary of State to be expedient so to do, he may, in lieu of confirming the purchase notice, grant planning permission for the development in respect of which the application was made or, where planning permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;
- (b) if it appears to the Secretary of State that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;
- (c) if it appears to the Secretary of State to be expedient that another local authority should acquire the interest for the purpose of any of their functions, he may,

if he confirms the notice, modify it either in relation to the whole or in relation to any part of the land to which it relates by substituting that other authority for the local planning authority on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.

PART II.
—*cont.*

(3) If within the period of six months from the date on which a purchase notice is served under this section the Secretary of State has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the proviso to the last foregoing subsection, nor notified the owner or lessee, as the case may be, by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the authority on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner or lessee compulsorily in accordance with the provisions of Part III of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.

(4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exerciseable in the case of a notice to treat which is deemed to have been served by virtue of this section.

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Secretary of State shall give notice of his proposed action—

- (a) to the person by whom the notice was served;
- (b) to the local planning authority on whom the notice was served; and
- (c) to any other local authority whom the Secretary of State proposes, under subsection (2) of this section, to substitute for the said local planning authority;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person or authority on whom that notice is served so requires, the Secretary of State shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons and authorities an opportunity of appearing before and being heard by a person appointed by him for the purpose.

18.—(1) Where, on application for planning permission to carry out development of any class specified in Part II of the Third Schedule to this Act, permission for that development is refused by the Secretary of State, either on appeal or on the reference of the application to him for Compensation for refusal of planning permission in certain cases.

PART II,
—*cont.*

determination, or is so granted by the Secretary of State subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the value of the interest of any person in the land is less than it would have been if the permission had been granted, or had been granted unconditionally, as the case may be, the local planning authority shall pay to that person compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(2) In determining for the purposes of the foregoing subsection whether and to what extent the value of any interest in land is less than it would have been if the permission had been granted or had been granted unconditionally, as the case may be, it shall be assumed that any subsequent application for the like permission would be determined in the same way:

Provided that if, on the refusal of planning permission for the development in respect of which the application is made, the Secretary of State undertakes to grant planning permission for any other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking in determining the matters aforesaid.

(3) Where a purchase notice served under the last foregoing section in respect of any interest in land does not take effect, or does not take effect in relation to any part of the land, by reason of any such direction as is mentioned in paragraph (b) of the proviso to subsection (2) of that section, then if it is shown, on a claim made to the local planning authority, within the time and in the manner prescribed by regulations under this Act that the permitted development value of that interest or, as the case may be, of that interest so far as it relates to that part of the land, is less than its compulsory purchase value, the local planning authority shall pay to the person entitled to that interest compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(4) For the purposes of the last foregoing subsection the expression "permitted development value," in relation to an interest in land in respect of which any such direction as is mentioned in that subsection has been given, means the value of that interest calculated with regard to the direction and to any determination of the Central Land Board under subsection (4) of section sixty-seven of this Act, but on the assumption that no permission would be granted under this Part of this Act otherwise than in accordance with the direction; and the expression "compulsory purchase value," in relation to any such interest means the value of that interest

as it would be assessed in accordance with the provisions of section forty-eight of this Act for the purpose of ascertaining the compensation payable on a purchase thereof in pursuance of the purchase notice.

(5) Where any such permission as is mentioned in subsection (1) of this section is granted by the Secretary of State subject to conditions, or where any permission required to be granted by any such direction as is mentioned in subsection (3) of this section would be so granted subject to conditions, being in either case conditions for regulating the design or external appearance of buildings, or the size or height of buildings, or, in the case of permission to be granted in accordance with any such direction as aforesaid, for regulating the number of buildings to be erected on the land, then if it appears to the Secretary of State that it is reasonable, having regard to the local circumstances, so to do, he may direct that those conditions shall be disregarded, either altogether, or to such extent as may be specified in the direction, in assessing the compensation (if any) payable under the said subsection (1) or under the said subsection (3), as the case may be.

(6) Except as provided by subsection (3) of this section, no compensation shall be payable under this section in respect of any interest in land in respect of which a purchase notice is served under section seventeen of this Act.

19.—(1) Subject to the provisions of this section, if it appears to the local planning authority that it is expedient, having regard to the development plan and to any other material considerations, that any planning permission granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the permission to such extent as appears to them to be expedient as aforesaid:

Revocation
and modifica-
tion of
planning
permission.

Provided that no such order shall take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Secretary of State for his confirmation under this section, that authority shall serve notice on the owner, on the lessee and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within such period as may be prescribed in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Secretary of State shall, before confirming

PART II.
—cont.

the order, afford to him, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) The power conferred by this section to revoke or modify planning permission may be exercised—

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been carried out before the date on which the order was confirmed as aforesaid.

Supplemen-
tary provisions
as to
revocation and
modification of
planning
permission.

20.—(1) Where planning permission is revoked or modified by an order made under the last foregoing section, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person interested in the land concerned has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage:

Provided that unless either—

- (a) any sum has been paid under Part VI of this Act by way of development charge in respect of the development to which the permission relates; or
- (b) no such charge is payable in respect of that development by virtue of any of the provisions of Part VII of this Act;

no compensation shall be payable under this subsection in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(2) For the purposes of this section any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the planning permission which is revoked or modified, or in respect of any other loss

or damage (not being loss or damage consisting of the depreciation in value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.

(3) Where planning permission granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then if, on an application made in that behalf, planning permission is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the planning permission granted by the development order had been granted by the local planning authority and had been revoked or modified by an order under the last foregoing section.

(4) The provisions of section seventeen of this Act shall apply in relation to an order made under the last foregoing section revoking planning permission or modifying any such permission by the imposition of conditions, as they apply in relation to the refusal of an application for such permission or the grant of such an application subject to conditions, and in any such case the said section seventeen shall have effect subject to the following modifications:—

(a) in paragraph (b) of subsection (1), for the words “in a case where planning permission was granted as aforesaid subject to conditions” there shall be substituted the words “in a case where the planning permission was modified by the imposition of conditions”; and

(b) for paragraph (a) of the proviso to subsection (2) there shall be substituted the following paragraph:—

“(a) if it appears to the Secretary of State to be expedient so to do he may, in lieu of confirming the purchase notice, cancel the order revoking the planning permission or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted”;

(5) Where the planning permission which is revoked or modified by an order under the last foregoing section is permission of any such class as is mentioned in subsection (1) of section eighteen of this Act, the provisions of that section shall apply as if for references therein to the refusal of the permission or the imposition of conditions on the grant thereof

PART II.
—cont.

there were substituted references to the revocation of permission or the modification thereof by the imposition of conditions, and subsection (1) of that section shall have effect as if for the words "if the permission had been granted or had been granted unconditionally" there were substituted the words "if the permission had not been revoked or had not been modified."

(6) Where, by virtue of the foregoing provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if a purchase notice is served under section seventeen of this Act in respect of any interest in that land, or a claim for compensation is made in respect of any such interest under subsection (1) of section eighteen of this Act, any compensation payable in respect of the acquisition of that interest under the said section seventeen or, as the case may be, any compensation payable in respect of that interest under the said section eighteen, shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

(7) Any compensation payable under this section in respect of loss or damage consisting of depreciation in value of an interest in land shall be assessed in accordance with the provisions of the Fourth Schedule to this Act; and in calculating the amount of any such depreciation it shall be assumed that permission would be granted under this Part of this Act for development of the land of any class specified in the Third Schedule to this Act.

Enforcement
of planning
control.

21.—(1) If it appears to the local planning authority that any development of land has been carried out after the appointed day without the grant of planning permission in that behalf, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, then, subject to any directions given by the Secretary of State, the local planning authority may, within two years after it has come to their knowledge that such development has been so carried out or that such conditions have not been complied with, if they consider it expedient so to do having regard to the provisions of the development plan and to any other material considerations, serve on the owner, on the lessee and on the occupier of the land a notice under this section.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the development which is alleged to have been carried out without the grant of planning permission or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such

period after the date on which the notice takes effect as may be so specified for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following subsection, an enforcement notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein :

Provided that if within the period aforesaid an application is made to the local planning authority under this Part of this Act for permission for the retention on the land of any buildings or works, or for the continuance of any use of the land, to which the enforcement notice relates, the notice shall not take effect until the expiry of the like period after the final determination of that application, and if such permission as aforesaid is granted on that application, the notice shall not take effect.

(4) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may, at any time within the period specified in the notice as the period at the expiration of which the notice will take effect or, where an application has been made under the proviso to the last foregoing subsection, within the like period after the final determination of that application, appeal against the notice to the sheriff; and on any such appeal the sheriff—

- (a) if satisfied that planning permission was granted for the development to which the notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the notice to which the appeal relates;
- (b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;
- (c) in any other case shall dismiss the appeal:

Provided that—

- (i) at any stage of the proceedings on such an appeal to him the sheriff may, and shall if so directed by the Court of Session, state a case for the opinion of the Court of Session on any question of law arising in connection with the appeal; and

PART II.
—*cont.*

- (ii) where the enforcement notice is varied or the appeal is dismissed, then, without prejudice to the provisions of the proviso to subsection (3) of this section, the sheriff may, if he thinks fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as he thinks fit.

Supplemen-
tary provisions
as to enforce-
ment.

22.—(1) If within the period specified in an enforcement notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the local planning authority may enter on the land and take those steps, and may recover as a civil debt from the person who is then the owner or the lessee of the land any expenses reasonably incurred by them in that behalf; and if that person, having been entitled to appeal to the sheriff under the last foregoing section, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken in accordance with the notice by the local planning authority.

(2) Any expenses incurred by the owner, the lessee or the occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing section in respect of any development, and any sums paid by the owner or by the lessee of any land under the foregoing subsection in respect of the expenses of the local planning authority in taking steps required to be taken by such a notice, shall be recoverable as a civil debt from the person by whom the development was carried out.

(3) Where, by virtue of an enforcement notice, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, then if any person, without the grant of planning permission, uses the land or causes or permits the land to be used, or carries out or causes or permits to be carried out those operations, in contravention of the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(4) Nothing in this Part of this Act shall be construed as requiring planning permission to be obtained for the use of any land for the purpose for which it could lawfully have been used under this Part of this Act if the development in respect of which an enforcement notice is served under the last foregoing section had not been carried out.

(5) Provision may be made by regulations under this Act for applying in relation to steps required to be taken by an enforcement notice under the last foregoing section either or both of the following provisions of the Water (Scotland) Act, 1946, that is to say—

PART II.
—cont.

9 & 10 Geo. 6.
c. 42.

- (a) section fifty-seven (which limits the liability of persons holding premises as agents or trustees in respect of the expenses recoverable under Part III of that Act); and
- (b) section sixty-eight (which confers power to require the occupier of premises to permit works to be executed by the owner of the premises);

subject to such adaptations and modifications as may be specified in the regulations.

23.—(1) A local planning authority may, with the approval of the Secretary of State, enter into an agreement with any person interested in land in their area (in so far as the interest of that person enables him to bind the land) for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement, and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.

Agreements
regulating
development
or use of land.

(2) An agreement made under this section with any person interested in land, may, if the agreement shall have been recorded in the appropriate Register of Sasines, be enforceable at the instance of the authority against persons deriving title to the land from the person with whom the agreement was entered into:

Provided that no such agreement shall at any time be enforceable against a third party who shall have in bona fide onerously acquired right (whether completed by infestment or not) to the land prior to the agreement being recorded as aforesaid or against any person deriving title from such third party.

(3) Nothing in this section or in any agreement made thereunder shall be construed as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act, so long as those powers are exercised in accordance with the provisions of the development plan or in accordance with any directions which may have been given by the Secretary of State under section thirty-three of this Act, or as requiring the exercise of any such powers otherwise than as aforesaid.

PART II.
—*cont.*Powers
relating to
authorised
uses.*Additional powers of control.*

24.—(1) Without prejudice to the provisions of this Part of this Act with respect to the service of enforcement notices, if it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations—

(a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof, or

(b) that any buildings or works should be altered or removed,

they may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be :

Provided that no such order shall take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Secretary of State for his confirmation under this section, that authority shall serve notice on the owner, on the lessee and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Secretary of State shall, before confirming the order, afford to that person, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where an order under this section has been confirmed by the Secretary of State, a copy of the order shall be served by the local planning authority on the owner, on the lessee and on the occupier of the land to which the order relates.

(4) Where, by virtue of an order made under this section, the use of any land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land for that purpose or, as the case may be, uses the land for that purpose in contravention of those conditions, or causes or permits the land to be so used, he shall be guilty of an offence

and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(5) If within the period prescribed in that behalf by an order under this section any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the local planning authority may, and shall if so required by directions of the Secretary of State, enter on the land and take those steps.

(6) An order under this section may grant permission for any development of the land to which the order relates subject to such conditions as may be specified in the order; and the provisions of this Part of this Act shall apply in relation to any permission so granted as they apply in relation to permission granted by the local planning authority on an application in that behalf made thereunder.

(7) Where the requirements of any order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

25.—(1) Where an order is made under the last foregoing section requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person has suffered damage in consequence of the order by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage; and any compensation payable under this subsection in respect of the depreciation in the value of an interest in the land shall be assessed in accordance with the provisions of the Fourth Schedule to this Act.

Provisions
supplementary
to s. 24.

(2) Without prejudice to the foregoing provisions of this section and subject to the provisions of paragraph 4 of the Fourth Schedule to this Act, any person who carries out any works in compliance with an order under the last foregoing section shall be entitled, on a claim made as aforesaid, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.

PART II.
—cont.

(3) If any person entitled to an interest in land in respect of which an order is made under the last foregoing section claims that by reason of the order the land is incapable of reasonably beneficial use in its existing state, and that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which planning permission has been granted, whether by that order or otherwise, he may serve a purchase notice in respect of his interest in accordance with the provisions of subsection (1) of section seventeen of this Act; and in relation to a purchase notice so served the provisions of the said section seventeen shall apply as they apply in relation to a notice served under subsection (1) of that section, subject to the following modifications:—

- (a) in subsection (2), for the words “ the conditions specified in the foregoing subsection ” there shall be substituted the words “ the conditions specified in subsection (3) of section twenty-five of this Act ”;
- (b) for paragraph (a) of the proviso to the said subsection (2) there shall be substituted the following paragraph:—

“ (a) if it appears to the Secretary of State to be expedient so to do he may, in lieu of confirming the purchase notice, revoke the order under section twenty-four of this Act or, as the case may be, amend that order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order.”

(4) Where a purchase notice in respect of any interest in land is served under the said section seventeen in consequence of an order made in relation to the land under the last foregoing section, then if that interest is purchased in accordance with the said section seventeen, or if compensation is payable in respect thereof under subsection (3) of section eighteen of this Act, no compensation shall be payable under this section in respect of that order.

(5) Except as provided by this section, no purchase notice shall be served under the said section seventeen in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of an order made under the last foregoing section.

Orders for
preservation
of trees and
woodlands.

26.—(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their district, they may for that purpose make an order (in this Act referred to as a “ tree preservation order ”) with respect to such trees,

groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—

PART II.
—cont.

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
- (c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this Part of this Act relating to planning permission, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order.

(2) An order made under the last foregoing subsection may provide for the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

(3) A tree preservation order shall not be made in respect of woodlands which are the subject of a forestry dedication agreement under the Forestry Act, 1947, or in respect of ^{10 & 11 Geo. 6.} which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947. ^{c. 21.}

(4) A tree preservation order shall not take effect until it is confirmed by the Secretary of State, and the Secretary of State may confirm any such order either without modification or subject to such modifications as he considers expedient. As soon as may be after a tree preservation order is so confirmed, it shall be recorded in the appropriate Register of Sasines by the local planning authority.

(5) Provision may be made by regulations under this Act with respect to the form of tree preservation orders and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

- (a) that notice shall be given to the owners, lessees and occupiers of land affected by any such order of the submission to the Secretary of State of the order;

PART II.
—cont.

- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Secretary of State; and
- (c) that copies of the order when confirmed by the Secretary of State shall be served on the owners, lessees and occupiers of the land to which it relates:

Provided that where it appears to the Secretary of State that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(6) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if, in the case of a continuing offence, the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued:

Provided that nothing in a tree preservation order shall prohibit the felling or lopping of any tree if such felling or lopping is urgently necessary in the interests of safety, or is necessary for the prevention or abatement of a nuisance, so long as notice in writing of the proposed operations is given to the local planning authority as soon as may be after the necessity for the operations arises, or if such felling or lopping is carried out in compliance with any obligation imposed by or under any Act of Parliament.

Orders for the preservation of buildings of special architectural or historic interest.

27.—(1) If it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their district, they may for that purpose make an order (in this Act referred to as a "building preservation order") restricting the demolition, alteration or extension of the building:

Provided that no such order shall be made in relation to a building being—

- (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes;
- (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or

- (c) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment as aforesaid;

PART II
—cont.

and no such order shall be made so as to affect the powers of the Minister of Works under any such enactment as aforesaid.

(2) Provision may be made by a building preservation order for requiring the consent of the local planning authority to be obtained for the execution of works of any description specified in the order, and for applying, in relation to such consent and to applications therefor, any of the provisions of this Part of this Act relating to planning permission and to applications for such permission, subject to such adaptations and modifications as may be specified in the order; and provision may be made by such an order for the payment by that authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or the grant of any such consent subject to conditions.

(3) A building preservation order shall not take effect until it is confirmed by the Secretary of State, and the Secretary of State may confirm any such order either without modification or subject to such modifications as he considers expedient:

Provided that such an order requiring the consent of the local planning authority to be obtained for the execution of any works shall not be made by the authority or confirmed by the Secretary of State, unless the authority or the Secretary of State is satisfied that the execution of the works would seriously affect the character of the building.

As soon as may be after a building preservation order is so confirmed, it shall be recorded in the appropriate Register of Sasines by the local planning authority.

(4) Provision may be made by regulations under this Act with respect to the form of building preservation orders and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

- (a) that notice shall be given to the owner, to the lessee and to any occupier of the building affected by any such order of the submission to the Secretary of State of the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Secretary of State; and

PART II.
—*cont.*

(c) that a copy of the order when confirmed by the Secretary of State shall be served on the owner, on the lessee and on any occupier of the building to which it relates:

Provided that where it appears to the Secretary of State that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(5) If any person, being the owner of a building in relation to which a building preservation order is in force or a person upon whom a copy of such an order has been served, executes or causes or permits to be executed any works in contravention of the order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and the court by whom he is convicted may require him within such period as they think proper to take such steps as they may specify for restoring the building, so far as may be, to its former state; and if within that period such steps have not been taken the court may authorise the local planning authority to enter on the land and take those steps, and to recover from him as a civil debt any expenses reasonably incurred by them in that behalf:

Provided that nothing in this subsection shall render unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given to the local planning authority as soon as may be after the necessity for the works arises.

Lists of
buildings
of special
architectural
or historic
interest.

28.—(1) With a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Secretary of State shall compile lists of such buildings, or approve, either with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.

(2) Before compiling or approving, either with or without modifications, any list under this section, or amending any list thereunder, the Secretary of State shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of or interest in buildings of architectural or historic interest.

PART II.
—cont.

(3) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to the district of any local authority being the local planning authority or the local authority for the purposes of the Housing (Scotland) Acts, 1925 to 1946, or of so much of the amendments as relate thereto, as the case may be, certified by or on behalf of the Secretary of State to be a true copy thereof, shall be deposited with the clerk of that authority.

(4) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Secretary of State shall serve a notice on every owner, lessee and occupier of the building stating that the building has been included in, or excluded from, the list, as the case may be.

(5) Any list compiled by the Secretary of State, and any instrument of the Secretary of State approving or amending any list under this section, shall, as soon as may be after such list or instrument is compiled or made, be recorded by him in the appropriate Register of Sasines.

(6) So long as any building (not being a building to which an order under the last foregoing section applies or a building of any description specified in the proviso to subsection (1) of that section) is included in any list compiled or approved under this section, no person shall execute or cause or permit to be executed any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority:

Provided that nothing in this subsection shall render unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice is given as aforesaid as soon as may be after the necessity for the works arises.

(7) Where a local planning authority receive notice of any proposed works under the last foregoing subsection, they shall as soon as may be send a copy of the notice to the Secretary of State and to such other persons or bodies of persons as may be specified by directions of the Secretary of State either generally or as respects the building in question.

(8) If any person contravenes the provisions of subsection (6) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds; and the court by whom he is convicted

PART II.
—*cont.*Control of
advertisements.

may require him, within such period as they may fix, to take such steps as they think fit for so restoring the building. If, within such period or within such extended period as the court may allow, any steps required by them to be taken for restoring the building, so far as may be, to its former state, have not been taken by him, the local planning authority may enter on the land and take those steps, and may recover from him as a civil debt any expenses reasonably incurred by them in that behalf.

29.—(1) Subject to the provisions of this section, provision may be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Secretary of State to be expedient in the interests of amenity or public safety, and, without prejudice to the generality of the foregoing provision, any such regulations may provide—

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land;
- (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
- (c) for applying, in relation to any such consent and to applications therefor, any of the provisions of this Part of this Act relating to planning permission and to applications for such permission, subject to such adaptations and modifications as may be specified in the regulations;
- (d) for enabling the local planning authority to require the removal of any advertisement which is being displayed in contravention of the regulations or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the regulations, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations;
- (e) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

(2) Without prejudice to the generality of the powers conferred by paragraph (c) of the foregoing subsection, regulations made for the purposes of this section may provide that

any appeal from the decision of the local planning authority on an application for their consent under the regulations shall lie to an independent tribunal constituted in accordance with the regulations instead of to the Secretary of State.

PART II.
—*cont.*

(3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control (being either rural areas or areas other than rural areas which appear to the Secretary of State to require special protection on grounds of amenity); and without prejudice to the generality of the foregoing provision may prohibit the display in any such area of all advertisements, except advertisements of such classes, if any, as may be specified in the regulations.

(4) Areas of special control for the purposes of regulations under this section may be defined either by reference to provisions included in that behalf in development plans or by means of orders made or approved by the Secretary of State in accordance with the provisions of the regulations:

Provided that where the Secretary of State is authorised by the regulations to make or approve any such order as aforesaid, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made or approved.

(5) Subject as hereinafter provided, regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations come into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date:

Provided that any such regulations shall provide for exempting therefrom—

- (a) the continued display of any such advertisement as aforesaid, and
- (b) the continued use for the display of advertisements of any such site as aforesaid,

during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations

(6) Nothing in this section or in any regulations made thereunder shall be construed as authorising the restriction or regulation of the display of any advertisement by reason only of the subject matter or wording thereof.

PART II.

—*cont.*
Provisions
supplementary
to s. 29.

30.—(1) Where the display of advertisements in accordance with regulations made under the last foregoing section involves the development of land within the meaning of this Act, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the foregoing provisions of this Part of this Act.

(2) Where for the purpose of complying with any such regulations as aforesaid, works are carried out by any person for the removal of advertisements being displayed on the date on which the regulations come into force or the discontinuance of the use for the display of advertisements of any site used for that purpose on that date, that person shall be entitled, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, to recover from that authority compensation in respect of any expenses reasonably incurred by him in that behalf:

Provided that no compensation shall be payable under this subsection in respect of the removal of any advertisement which was not being displayed on the seventh day of January, nineteen hundred and forty-seven.

(3) Without prejudice to any provisions included in regulations made under the last foregoing section by virtue of paragraph (4) of subsection (1) of that section, if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed by the regulations, not exceeding fifty pounds and, in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction.

(4) For the purposes of the last foregoing subsection and without prejudice to the generality thereof a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on land of which he is the owner or occupier; or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns:

Provided that a person shall not be guilty of an offence under the said subsection by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Powers relating
to ruinous or
dilapidated
buildings,
waste land,
etc.

31.—(1) Where it appears to the local planning authority that the amenity of any land is seriously injured by reason of the ruinous or dilapidated condition of any building in their district or by the condition of any derelict, waste,

neglected or other land in their district, then, subject to any directions given by the Secretary of State, the authority may serve on the owner, on the lessee and on the occupier of the building or land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified:

PART II.
—cont.

Provided that no such notice may be served with reference to any building which is—

- (a) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments, or
- (b) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment as aforesaid.

(2) In relation to any notice served under this section the provisions of subsections (3) and (4) of section twenty-one of this Act, and of subsections (1), (2) and (5) of section twenty-two of this Act shall, subject to any necessary modifications, apply as those provisions apply in relation to an enforcement notice served under the said section twenty-one.

Supplemental.

32.—(1) Where the sanction of a government department other than the Secretary of State is required by virtue of any enactment in respect of development to be carried out by any local authority or by any statutory undertakers not being a local authority, that department may, upon granting that sanction, direct that planning permission for that development shall be deemed to be granted subject to such conditions (if any) as may be specified in the directions: and the provisions of this Part of this Act shall apply in relation to any permission deemed to be granted by virtue of such directions as if the application for that permission had been granted by the Secretary of State on an application referred to him under section thirteen of this Act.

Application
to local
authorities
and statutory
undertakers.

(2) Without prejudice to the provisions of the foregoing subsection, the provisions set out in the Fifth Schedule to this Act (being provisions re-enacting with additions and modifications sections thirty-four and thirty-five of the Act of 1945) shall have effect for the purposes of the application of this Part of this Act to land of statutory undertakers being operational land as defined by this Act, and to the development of such land by such undertakers:

Provided that the provisions of the said Schedule shall not apply in relation to the display of advertisements on operational land.

PART II.
—*cont.*

(3) In relation to land of local planning authorities and to the development by local authorities of land in respect of which they are the local planning authority, the provisions of this Part of this Act (including, in the case of a local planning authority who carry on a statutory undertaking, the last foregoing subsection and the Fifth Schedule to this Act) shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act, and in particular such regulations may (subject to the provisions of subsection (1) of this section) provide for securing—

- (a) that any application by such an authority for planning permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Secretary of State instead of to the local planning authority;
- (b) that any notice or order authorised to be served or made under this Part of this Act in relation to such land shall be served or made by the Secretary of State instead of by that authority.

(4) For the purposes of this section and of the Fifth Schedule to this Act development by a local authority or by statutory undertakers shall be deemed to be sanctioned by a government department if—

- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of any enactment;
- (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;
- (c) consent is granted by the department to the appropriation of land for the purpose of the development, or the acquisition of land by agreement for that purpose;
- (d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with any enactment authorising the payment of such grants,

and references in this section and in the said Fifth Schedule to the sanction of a government department shall be construed accordingly.

33. Where, under the foregoing provisions of this Part of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period before such a plan has become operative with respect to the district of that authority, that authority shall have regard to any directions which may be given to them by the Secretary of State as to the provisions to be included in such a plan, and subject to any such directions shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of the said district.

PART II.

—cont.

Temporary provisions pending approval of plans.

PART III.

ACQUISITION OF LAND, ETC.

Acquisition and disposal of land for planning purposes.

34.—(1) Where any land is designated by a development plan as subject to compulsory acquisition by any Minister, local authority or statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.

Compulsory acquisition by Ministers, local authorities and statutory undertakers.

(2) If, during the period before a development plan has become operative under this Act with respect to any district—

- (a) the Secretary of State and the Minister of Works are satisfied that the acquisition of any land in that district is necessary for the public service or otherwise for the purposes of any of the functions of the Minister of Works; or
- (b) the Secretary of State and the Postmaster-General are satisfied that the acquisition of any such land is necessary for the purposes of the Post Office,

the Minister of Works or the Postmaster-General, as the case may be, may be authorised to purchase that land compulsorily in accordance with the provisions of this section.

(3) The compulsory acquisition of land under this section may be authorised—

- (a) in the case of land designated by a development plan as subject to acquisition by a Minister, by that Minister;
- (b) in the case of land so designated as subject to acquisition by a local authority, by the Minister concerned with the function in question;
- (c) in the case of land so designated as subject to acquisition by any statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers;

PART III.
—cont.

(d) in the case of such land as is mentioned in subsection (2) of this section, by the Minister of Works or the Postmaster-General, as the case may be.

(4) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act;
- (b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers; and
- (c) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to any Minister and to the provisions of this section.

(5) Any expenses incurred by the Minister of Transport in the acquisition of land under this section for the purpose of the construction or improvement of a road shall be defrayed out of the Road Fund.

Compulsory acquisition by local planning authorities of land for development.

35.—(1) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority, then if the Secretary of State is satisfied—

- (a) in the case of land comprised in an area defined by the plan as an area of comprehensive development, that the land is required in order to secure the development or redevelopment of the said area or that it is expedient in the public interest that the land should be held together with land so required;
- (b) in any other case, that it is necessary that the land should be acquired under this section for the purpose of securing its use in the manner proposed by the plan,

he may authorise the local planning authority to acquire the land compulsorily in accordance with the provisions of this section.

(2) If, during the period before a development plan has become operative under this Act with respect to any area, the Secretary of State is satisfied that the acquisition of any land under this section is expedient

- (a) for any purpose which appears to him to be immediately necessary in the interests of the proper planning of that area (not being a purpose for which a local

authority could be authorised to acquire the land compulsorily under any other enactment);

PART III.
—*cont.*

- (b) for any other purpose for which, by virtue of paragraph (c) or (d) of subsection (1) of section ten of the Act of 1945 a local planning authority could be authorised to acquire land before the appointed day,

he may authorise the local planning authority to acquire the land compulsorily in accordance with the provisions of this section.

(3) Where, under the foregoing provisions of this section, the Secretary of State has power to authorise the local planning authority to acquire any land compulsorily, he may, if he thinks fit after consultation with the local planning authorities concerned, authorise the land to be so acquired by any other local planning authority instead of by that authority.

(4) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

36.—(1) If the Secretary of State is satisfied, in the case of a compulsory purchase order submitted to him under the last foregoing section by a local planning authority, that it is urgently necessary in the public interest to empower that authority to enter on the whole or any part of the land to which the order relates and secure its vesting in them before the expiration of the time which would be required for the service of notices to treat, he may include in the order as confirmed by him a direction that the provisions of the Sixth Schedule to the Act of 1945 shall apply to the order so far as it relates to that land:

Power to expedite completion of purchase under s. 35.

Provided that no such direction shall be so included in a compulsory purchase order unless application in that behalf is included in the order as submitted to the Secretary of State.

(2) A compulsory purchase order which contains any such direction as aforesaid shall, as soon as may be after the order becomes operative, be recorded in the appropriate Register of Sasines by the local planning authority.

(3) Where a compulsory purchase order containing any such direction as aforesaid is made in respect of any interest in land which has sustained war damage, then, if any of that

PART III
—*CONT.*

damage has not been made good at the date on which notice to treat is deemed to have been served, the local planning authority shall, when they record the order in the appropriate Register of Sasines, notify the War Damage Commission of that action having been taken.

(4) Any reference in the Sixth Schedule to the Act of 1945 to a purchase order providing for expedited completion, or to the purchasing authority, shall be construed as a reference to a compulsory purchase order containing any such direction as aforesaid, and to the local planning authority authorised to acquire land by that order, as the case may be.

(5) Paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (which provides for entry on land before the purchase money has been paid, notwithstanding the provisions of sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845) and paragraph 4 of that Schedule (which makes special provision, in substitution for section ninety of the said Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the sale of parts of houses and other premises) shall not apply to a compulsory purchase order containing any such direction as aforesaid.

8 & 9 Vict.
c. 19.

Acquisition of
land by agree-
ment for
development.

37.—(1) A local planning authority may, with the consent of the Secretary of State, acquire by agreement any land (whether or not being land designated by a development plan as subject to compulsory acquisition) which they require for any purpose for which a local planning authority may be authorised to acquire land compulsorily under section thirty-five of this Act.

8 & 9 Vict.
c. 33.

13 & 14 Geo. 5.
c. 20.

(2) The Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845) and sections six and seventy of the Railways Clauses Consolidation (Scotland) Act, 1845, and sections seventy-one to seventy-eight of that Act, as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking or to the company shall be construed as references to the authority authorised to acquire the land under this section.

Power to
acquire
buildings
of special
architectural
or historic
interest.

38.—(1) Where a building preservation order is in force as respects any building and it appears to the Secretary of State that reasonable steps are not being taken for properly preserving the building, the Secretary of State may authorise the local planning authority to acquire compulsorily under this section

the building and any land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for preserving the building or its amenities, or for affording access thereto, or for the proper control or management thereof.

(2) Where a building preservation order is in force as respects any building and it appears to the Minister of Works that reasonable steps are not being taken for properly preserving the building, that Minister may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required as mentioned in the foregoing subsection.

(3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act;
- (b) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to the Minister of Works and to the provisions of this section :

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

(4) Any person having an interest in any building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required to be served under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, apply to the sheriff for an order prohibiting further proceedings on the compulsory purchase order, and if the sheriff is satisfied that reasonable steps are being taken for properly preserving the building, he shall make an order accordingly.

(5) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local planning authority to acquire land by agreement thereunder shall include power to acquire by agreement any building as respects which a building preservation order is in force or could be made, and any land comprising or contiguous or adjacent to it which appears to the Secretary of State to be required for the purposes specified in subsection (1) of this section.

(6) Where any building as respects which a building preservation order is in force is acquired by a local planning authority under the provisions of this section the authority shall observe the provisions of that order.

PART III.

—cont.

Power of local
authority
to appropriate
certain land
for planning
purposes.

39.—(1) Any local authority may be authorised, by order made by that authority and confirmed by the Secretary of State, to appropriate for any purpose specified in a development plan (being a purpose for which that authority can be authorised to acquire land under any enactment) any land for the time being held by them for other purposes, being land which is or forms part of a common or open space (including any such land which is specially regulated by any enactment, whether public general or local or private).

(2) Paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (which makes special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common or open space) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.

(3) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land (whether compulsorily or by agreement) thereunder shall include power to acquire land required for giving in exchange for land appropriated under this section for any purpose specified in a development plan.

(4) Section one hundred and sixty-three of the Local Government (Scotland) Act, 1947 (which empowers local authorities to appropriate land belonging to them) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.

(5) Where any land appropriated under this section was acquired under any enactment incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section six of the Railways Clauses Consolidation (Scotland) Act, 1845, be deemed to have been authorised by the enactment under which the land was acquired.

Acquisition of
land by
Central Land
Board.

40.—(1) The Central Land Board may, with the approval of the Secretary of State, by agreement acquire land for any purpose connected with the performance of their functions under the following provisions of this Act, and in particular may so acquire any land for the purpose of disposing of it for development for which planning permission has been granted on terms inclusive of any development charge payable under those provisions in respect of that development.

(2) If the Secretary of State is satisfied that it is expedient in the public interest that the Board should acquire any land for any such purpose as aforesaid, and that the Board are unable to acquire the land by agreement on reasonable terms,

PART III.

—cont.

he may authorise the Board to acquire the land compulsorily in accordance with the provisions of this section.

(3) Subsection (4) of section thirty-five and section thirty-six of this Act shall apply to the compulsory acquisition of land by the Central Land Board under this section as they apply to the compulsory acquisition of land by local planning authorities under the said section thirty-five; and for the purposes of this section the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall have effect as if any reference therein to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to the Board.

(4) Any land acquired by the Central Land Board under the provisions of this section shall be disposed of by them by way of sale, feu or lease in accordance with such directions as may be given to them in that behalf by the Secretary of State, and until the land is so disposed of the Board shall manage it in accordance with such directions:

Provided that nothing in this section shall be construed as authorising the Board to carry out any development of land acquired by them thereunder.

(5) Any expenses incurred by the Central Land Board in the acquisition of land under this section shall be paid out of moneys provided by Parliament; and any sums received by the Board in respect of the disposal of any such land shall be paid into the Exchequer.

(6) Provision may be made by regulations under this Act for requiring the Central Land Board to keep a register in Scotland containing such particulars as may be prescribed by the regulations of land acquired and disposed of under this section, and for the inspection of any such register by the public on payment of such reasonable fee, if any, as may be so prescribed.

41.—(1) Sections eighteen to twenty-nine of the Act of 1945 (which provide for the disposal and appropriation by local planning authorities of land acquired or appropriated under Part I of that Act, for the carrying out by such authorities of development of such land, and for other matters arising in relation to the acquisition of land under that Part) shall, except so far as repealed by this Act, be incorporated with this Part of this Act, subject to the amendments specified in the second column of the Eighth Schedule to this Act and to the following provisions of this section.

Incorporation
of certain
provisions of
Act of 1945.

(2) Subsection (3) of section nineteen of the Act of 1945 (which provides that in certain cases the Secretary of State shall not give his consent to the carrying out of any operation by the local planning authority under that section if a person

PART III.
—*cont.*

other than that authority is able and willing to carry out the operation) shall cease to have effect.

(3) Paragraph 8 of the Fifth Schedule to the Act of 1945 (which relates to the assessment of compensation in respect of the compulsory acquisition of certain dwelling houses unfit for human habitation) shall apply in relation to the compulsory acquisition of land under this Part of this Act subject to the amendments specified in the second column of the Eighth Schedule to this Act.

Amendment of
10 & 11 Geo. 6.
c. 42 in
relation to
acquisition of
land under
Part III.

42.—(1) Where any land is designated by a development plan as subject to compulsory acquisition for any purpose, then, if a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, or, as the case may be, is made in draft by a Minister in accordance with Part II of that Schedule, the confirming authority or that Minister, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Minister, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) Where a compulsory purchase order authorising the acquisition of any land under section thirty-five of this Act is submitted to the Secretary of State in accordance with Part I of the said First Schedule, then if he is satisfied that the order ought to be confirmed so far as it relates to part of the land comprised therein, but has not for the time being determined whether or not it ought to be confirmed so far as it relates to any other such land, he may confirm the order so far as it relates to the first-mentioned land and give directions postponing consideration of the order so far as it relates to any other land specified in the directions until such time as may be so specified; and in any such case the notices required by paragraph 6 of the said First Schedule to be published and served shall include a statement of the effect of the directions.

(3) Paragraph 9 of the said First Schedule (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust for Scotland) shall not apply to land which is designated by a development plan as subject to compulsory acquisition.

(4) Notwithstanding anything in paragraph 10 of the said First Schedule, a compulsory purchase order may be confirmed or made under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking (whether or not the land is

designated as mentioned in the last foregoing subsection) without any such certificate as is mentioned in the said paragraph 10:

PART III.
—cont.

Provided that except where such a certificate is given as aforesaid, or the land is designated as mentioned in the last foregoing subsection,—

- (a) the order shall be of no effect unless it is confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would apart from this provision have power to make or confirm it; and
 - (b) if any objection to the order is duly made by the statutory undertakers and is not withdrawn, the order shall be subject to special parliamentary procedure.
- (5) Where any such land as is mentioned in the last foregoing subsection is compulsorily acquired without any such certificate as is therein referred to, any compensation payable to the statutory undertakers in respect of the purchase shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1945.

(6) Regulations made under this Act may provide for securing that any proceedings required by the said First Schedule to be taken for the purposes of the compulsory acquisition of any land under this Act may be taken concurrently with any proceedings required by or under this Act to be taken in connection with the approval, making or amendment of a development plan designating that land as subject to compulsory acquisition.

(7) In construing the Lands Clauses Acts and section six of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, with Part III of this Act—

- (a) references to the execution of the works or to the construction of the railway shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section twenty-one of the Act of 1945 (as incorporated with this Part of this Act by virtue of section forty-one of this Act), and in relation to any such erection, construction or carrying out any reference in section six of the Railways Clauses Consolidation (Scotland) Act, 1845, to the company shall notwithstanding anything in sub-paragraph (b) of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, be construed as a reference to the person by whom the buildings or works in question are erected, constructed or carried out;

PART III.
—*cont.*

- (b) references to the execution of the works or to the construction of the railway shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister, or by or on behalf of statutory undertakers, on land acquired by that Minister or those undertakers, for the purposes for which the land was acquired.

Acquisition
of land by
Development
Corporations
under New
Towns Act,
1946.

43.—(1) For the avoidance of doubt it is hereby declared that the powers of acquiring land conferred by the New Towns Act, 1946, on a development corporation established for the purposes of a new town include power to acquire any land within the area designated under that Act as the site of the new town whether or not it is proposed to develop or re-develop that particular land.

(2) Section five of the said Act (which regulates the disposal of land by development corporations) shall have effect as if in subsection (1), after the words " this Act " in the second place where those words occur, there were inserted the words " or for purposes connected therewith."

Powers relating to highways.

Construction
of highways
on land
acquired under
Part III.
9 Edw. 7.
c. 47.

44.—(1) Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction of a new road by a local highway authority on land defined by a development plan as the site of a proposed road or on any other land acquired by or disposed of to them under this Part of this Act as if the road were a road in respect of the construction of which an advance were made to that authority under that section.

1 Edw. 8. &
1 Geo. 6. c. 5.

(2) Without prejudice to the provisions of subsection (8) of section six of the Trunk Roads Act, 1936 (which provide for contributions by local authorities towards expenses incurred by the Minister of Transport under that Act) any local authority may contribute towards any expenses incurred by a local highway authority or by the Minister of Transport in the acquisition of land under this Part of this Act or in the construction or improvement of roads on land so acquired or in connection with any development required in the interests of the proper planning of the district of the local authority.

45.—(1) The provisions of this section shall apply in relation to any land defined by a development plan as the site of a proposed road or as land required for the widening of an existing road.

PART III.
—cont.
Construction and improvement of private streets, etc.

(2) In relation to any such land as aforesaid situated in the landward area of a county the provisions of sections one hundred and thirty-three to one hundred and thirty-five, sections one hundred and thirty-seven to one hundred and forty-three, sections one hundred and fifty, one hundred and fifty-one and one hundred and fifty-four of the Burgh Police (Scotland) Act, 1892, and the provisions of sections sixteen to twenty-two of the Burgh Police (Scotland) Act, 1903 (which relate to private streets, the laying out of new streets and the improvement of streets), shall apply, subject to such adaptations and modifications as may be necessary, as if the land were a street to which those provisions apply.

55 & 56 Vict.
c. 55.
3 Edw. 7.
c. 33.

(3) In relation to any such land as aforesaid situated in a burgh to which the provisions of the Burgh Police (Scotland) Acts, 1892 to 1903, apply, the provisions of sections one hundred and fifty-one and one hundred and fifty-four of the Burgh Police (Scotland) Act, 1892 (which relate to the laying out and improvement of streets) shall have effect, subject to such adaptations and modifications as may be necessary, as if the land were a street to which those provisions apply, and in relation to any such land as aforesaid situated in any other burgh, the corresponding provisions of any local enactments shall have effect, subject to such adaptations and modifications as may be necessary, as if the land were a street to which the provisions of those enactments apply.

(4) Regulations may be made under this section for the purpose of securing—

(a) that the amount of the expenses incurred by a local highway authority and charged by them on the owners of land, frontagers or other persons under the provisions of the enactments referred to in the last foregoing subsection shall not exceed the amount which would at the date of the commencement of the works have been the cost of the execution of street works in the course of the construction, widening or improvement if it had been carried out so as to comply with any enactments, byelaws, or regulations in operation in the area and, as respects matters for which no provision is made in any such enactments, byelaws or regulations, so as to comply with such specification as the local highway authority would at the date of the commencement of the works have required as a condition of taking over the street as a street maintainable by that authority;

PART III.

—cont.

- (b) that as soon as the street has been made up or widened by or to the satisfaction of the local highway authority it shall become a street maintainable by that authority;
 - (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings;
 - (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street.
- (5) Regulations made under this section may also provide—
- (a) for the inclusion in the expenses recoverable as aforesaid in respect of street works carried out by the local highway authority of any expenses incurred by a local authority, after the date on which the land is defined and designated as mentioned in subsection (1) of this section, and before a street is constructed on the land, in the construction of sewers in or under the land; and
 - (b) for authorising the local highway authority to enter on any land adjoining the street for the purpose of executing street works on land comprised in the street.
- (6) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say—

18 & 19 Geo. 5.
c. 44.

“ agricultural land ” has the like meaning as is assigned to the expression “ agricultural lands and heritages ” by section nine of the Rating and Valuation (Apportionment) Act, 1928, and “ agricultural buildings ” means buildings (other than dwelling houses) occupied together with agricultural land and used solely in connection with agricultural operations thereon;

“ construction ” and “ improvement ”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;

“ street works ” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting therefor.

46.—(1) Without prejudice to the provisions of section twenty-two of the Act of 1945, as incorporated with this Act, or section three of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, the Minister of Transport may, if he is satisfied that it is necessary so to do in order to enable development to be carried out in accordance with planning permission or to be carried out by a government department, by order made in accordance with the provisions of the Sixth Schedule to this Act authorise the stopping up or diversion of any highway.

PART III.
—cont.
Power to stop
up and divert
highways, etc.

(2) Any order made under the foregoing subsection may make such provision as appears to the Minister of Transport to be necessary or expedient for the provision or improvement of any other highway, and may direct—

- (a) that any highway so provided or improved shall be maintained and managed by the highway authority;
- (b) that the said Minister, or any local authority specified in that behalf in the order, shall be the highway authority therefor;
- (c) in the case of a highway for which the said Minister is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the Trunk Roads Acts, 1936 and 1946.

(3) The Minister of Transport or a local highway authority may be authorised to acquire land compulsorily for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order made under this section or for any other purpose for which land is required in connection with such an order; and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act; and
- (b) as if this section were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

(4) Any order made under this section may contain such incidental and consequential provisions as appear to the Minister of Transport to be necessary or expedient, including

PART III. in particular provision for authorising that Minister, or requiring
—*cont.* any other authority or person specified in the order—

- (a) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work; or
- (b) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the Restriction of Ribbon Development Act, 1935, as respects any highway stopped up or diverted under the order :

25 & 26 Geo. 5
c. 47.

Provided that if objection to any such provision is duly made in accordance with the Sixth Schedule to this Act by any authority or person who would be required thereby to make any such payment, repayment or contribution as aforesaid, and is not withdrawn, the order shall be subject to special parliamentary procedure.

(5) Regulations made under this Act by the Minister of Transport may provide for securing that any proceedings required to be taken for the purposes of the acquisition of land under subsection (3) of this section may be taken concurrently with any proceedings required to be taken for the purposes of the order under this section.

(6) Section twenty-four of the Act of 1945 (which provides for the extinguishment of rights of way, and rights as to apparatus, of statutory undertakers over land acquired under this Part of this Act) shall, subject to any necessary modifications, apply in relation to any highway to which an order under this section relates as it applies in relation to land acquired by a Minister under this Part of this Act, and sections twenty-five and twenty-six of that Act shall have effect accordingly.

(7) The powers of the Minister of Transport under subsection (1) of this section shall include power to make an order authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment; and the provisions of this section shall not prejudice any power conferred upon the Minister of Transport by any other enactment to authorise the stopping up or diversion of a highway.

(8) Section three of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (which enables the Secretary of State to extinguish certain public rights of way over land acquired under that Act), shall apply in relation to land

acquired before the commencement of that Act by a local authority, being—

PART III.

—*cont.*

- (a) land acquired compulsorily under any such enactment as is specified in paragraph (a) of subsection (1) of section one of that Act, or
- (b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

(g) Any expenses incurred by the Minister of Transport in the construction or improvement of roads under this section shall be defrayed out of the Road Fund, and any other expenses of that Minister under this section shall be defrayed out of moneys provided by Parliament.

PART IV.

AMENDMENTS OF LAW RELATING TO COMPENSATION ON COMPULSORY ACQUISITION OF LAND.

47.—(1) Section fifty-three of the Act of 1945 (which provides for the assessment by reference to the prices current in 1939 of the value of interests in land which are compulsorily acquired) shall not apply to compensation in respect of a compulsory acquisition of land in pursuance of a notice to treat served after the passing of this Act.

Abolition of the 1939 standard for compensation on compulsory acquisition.

(2) The provisions of the Seventh Schedule to this Act shall have effect and shall be deemed always to have had effect in relation to land compulsorily acquired in pursuance of a notice to treat served after the seventeenth day of November nineteen hundred and forty-four and before the passing of this Act, and in relation to land acquired by agreement during that period by an authority authorised to acquire it compulsorily.

48.—(1) Any compensation payable in respect of the compulsory acquisition of an interest in land by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, in pursuance of a notice to treat served on or after the appointed day (not being compensation which falls to be assessed in accordance with Rule (5) of the rules set out in section two of that Act) shall be assessed in accordance with the provisions of that Act as modified by the provisions of this and the three next following sections.

Compensation for compulsory acquisition after appointed day.

(2) The value of any such interest shall be ascertained on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development:

PART IV,
—cont.

Provided that—

- (a) where at any time before the date of the notice to treat permission for development of the land of any class specified in Part II of the said Third Schedule has been refused or granted subject to conditions, or, having been granted, has been revoked or modified by the imposition of conditions, and compensation has become payable in respect of the refusal, revocation, or conditions, as the case may be, under section eighteen of this Act, it shall be assumed for the purposes of the ascertainment of the value of the interest in question that such permission would not be granted, or, as the case may be, would not be granted otherwise than subject to those conditions;
 - (b) where at any time before the said date an order has been made under section twenty-four of this Act requiring the removal of any building or the discontinuance of any use, and compensation has become payable in respect of that order under section twenty-five of this Act, it shall be assumed for the purposes aforesaid that planning permission would not be granted for the rebuilding of that building or the resumption of that use.
- (3) Without prejudice to any rule of law affecting the assessment of compensation in respect of the compulsory acquisition of land in pursuance of any enactment, no account shall be taken in calculating the value of an interest in land designated by a development plan under this Act as subject to compulsory acquisition of any depreciation in the value of that interest which is attributable to the designation.
- (4) Where, at any time before the date of the notice to treat, planning permission has been granted for any development of the land, other than development of any class specified in the Third Schedule to this Act, or is deemed to have been so granted, then except where either—
- (a) any sum has been paid under Part VI of this Act by way of development charge in respect of that development; or
 - (b) no such charge is payable in respect of that development by virtue of any of the provisions of Part VII of this Act;

the value of the interest to which the notice to treat relates shall be calculated as if that permission had not been granted.

(5) Where the interest is acquired in pursuance of a purchase notice served under section seventeen of this Act, and it is certified by the Secretary of State, on confirming the notice,

that any building comprised in the land has become incapable of reasonably beneficial use, then, if the purchase notice was served in consequence of the refusal of permission for development which would have involved the demolition of the whole or substantially the whole of the building, or in consequence of the revocation or modification of such permission, no account shall be taken for the purposes of this section of the value of the building except in so far as the value of any materials therein would exceed the cost of demolition.

PART IV.
—*cont.*

(6) Where the interest is acquired in pursuance of a purchase notice served under the said section seventeen, and directions have been given under paragraph (b) of subsection (2) of that section requiring that planning permission shall be granted for any development of other land to which the purchase notice relates, no account shall be taken for the purposes of this section of any increase or diminution in the value of the said interest which is attributable to the direction or to any permission granted in pursuance thereof.

49.—(1) Where the notice to treat giving rise to the claim for compensation is served at any time before the first day of January, nineteen hundred and fifty-four, and the interest in land in respect of which the compensation is payable carries the right to vacant possession of the land or any part thereof, or the right to obtain such possession at any time before that date, then, unless the land is agricultural property (that is to say, agricultural land or agricultural buildings or a farmhouse as defined in this section) the value of that interest shall be calculated as if the land, or that part thereof, as the case may be, were subject to a lease for the term, subject to the conditions and at the rent specified in this section.

Temporary provisions for eliminating special value attributable to vacant possession.

(2) The term of any such lease as aforesaid shall be deemed to be a term beginning on the date of the notice to treat and ending on the first day of January, nineteen hundred and fifty-four:

Provided that—

- (a) where the interest in question is subject to an actual lease on the date of the service of the notice to treat, the said term shall be deemed to begin on the first date thereafter on which the owner of the said interest would be lawfully entitled to obtain vacant possession of the land; and
- (b) where the interest in question is the interest of a tenant under a lease which is limited to expire at any time before the first day of January, nineteen hundred and fifty-four, the said term shall be deemed to end on the day before the expiration of that interest.

PART IV.
—cont.

(3) The conditions of any such lease as aforesaid shall be deemed to be conditions by virtue of which the tenant would be liable to pay all usual tenant's rates and taxes and to bear the cost of repairs and insurance and other expenses, if any, necessary to maintain the land in the state in which it was on the date of the notice to treat, and the rent payable thereunder shall be deemed to be either a sum equal to five per cent. of the capital value of the premises together with such additional sum as might reasonably be expected to be payable annually by way of owner's rates during the term of such lease, or a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the premises, under a lease for the term and subject to the conditions aforesaid, whichever is the less.

(4) In this section the following expressions have the meanings hereby assigned to them respectively, that is to say—

“ agricultural land ” means any land used for agricultural or pastoral purposes only, or as woodlands, market gardens, orchards, allotments, or allotment gardens, any garden exceeding one-quarter acre occupied together with a house and used mainly or wholly as an allotment garden, and any land exceeding one-quarter acre used for the purpose of poultry farming, but does not include any land occupied together with a house as a park, garden or pleasure ground, or any land kept or preserved mainly or exclusively for sporting purposes; and the expression “ agricultural purposes ” shall be construed accordingly;

“ agricultural buildings ” means buildings (other than dwelling-houses) occupied together with agricultural land, or being or forming part of a market garden, and in either case used solely in connection with agricultural operations thereon;

“ farmhouse ” means a house used as the dwelling-house of a person who is primarily engaged in carrying out or directing agricultural operations on land in the neighbourhood of the house;

and for the purposes of this section the capital value of any premises shall be deemed to be the value of the interest of the proprietor of the *dominium utile*, free from incumbrances but subject to any servitude or other restrictions affecting the land on the date of the notice to treat, or, in the case of land other than feudal land, of the owner thereof, calculated in accordance with the provisions of any enactment other than this section which would apply to the assessment of compensation on a compulsory acquisition thereof by a government department or a local or public authority within the

meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919.

PART IV.
—cont.

(5) For the purposes of this section, an interest in land shall not be deemed to carry the right to obtain vacant possession of the land or any part thereof if at the time of the service of the notice to treat the land or that part thereof consists of a dwelling-house which is subject to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, or any future enactment amending or extending those Acts, and any person other than the person entitled to that interest is for the time being in possession thereof either by virtue of a tenancy or by virtue of the provisions of the said Acts.

(6) Compensation for disturbance in respect of an interest in land the value of which is calculated in accordance with the provisions of this section shall not be assessed at any greater or less amount than that at which it would have been assessed apart from the provisions of this section.

50.—(1) Where an interest in land the value of which is to be ascertained in accordance with the provisions of section forty-eight of this Act is an interest in a hereditament or part of a hereditament which has sustained war damage, and any of that damage has not been made good at the date of the notice to treat, then if the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory purchase or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works—

Compensation for compulsory acquisition of land attracting converted value payments. 6 & 7 Geo. 6. c. 21.

(a) the value of the interest for the purposes of the compensation payable in respect of the compulsory purchase shall, subject to the provisions of this section, be taken to be the value which it would have if the whole of the damage had been made good before the date of the notice to treat; and

(b) the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest which is compulsorily acquired (including any interest payable thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is so acquired.

(2) Where, under subsection (1) of this section, the value of any interest in land comprised in a hereditament is required to be taken to be the value which that interest would have if war damage sustained by that hereditament had been made good before the date of the notice to treat, and any works, other than works for making good the war damage, have been

PART IV.
—cont.

carried out on the land since the occurrence of the war damage, then, if the making good of the war damage would involve the removal of those works, the value of the said interest shall be taken to be—

- (a) the value which it would have if the war damage had been made good and those works had been removed, or
- (b) the value which it would have if the war damage had not been made good so far as the making good would have involved the removal of those works,

whichever is the higher.

(3) Where an interest in land is acquired by agreement in pursuance of a contract made after the appointed day by a person authorised by virtue of any enactment to acquire it compulsorily, being an interest in a hereditament or part of a hereditament which has sustained war damage any of which has not been made good before the date of the contract, then, if the appropriate payment under the War Damage Act, 1943, would, apart from the acquisition or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works, the right to receive any value payment or share of the value payment which, under that Act, is payable in respect of the interest so acquired (including any interest payable thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is acquired as aforesaid.

(4) Where, by virtue of paragraph (b) of subsection (1) of this section or of the last foregoing subsection, the right to receive a value payment or share of a value payment becomes vested in the person by whom an interest in land is acquired, whether compulsorily or by agreement, the amount of that payment or share (including any interest thereon) shall not exceed the sum paid by that person by way of compensation or consideration in respect of the interest so acquired.

(5) Subsection (4) of section sixty-nine of the War Damage Act, 1943 (which makes special provision with respect to payments under that Act in respect of war damage sustained by hereditaments held for charitable purposes) shall not apply to any payment which, by virtue of this section, vests in the person by whom an interest in the land is acquired.

Compensation
for compulsory
acquisition of
requisitioned
land.

8 & 9 Geo. 6.
c. 43.

51.—(1) Except as otherwise provided by this section and Part VIII of the Requisitioned Land and War Works Act, 1945, the value of any interest in requisitioned land shall be assessed in accordance with the foregoing provisions of this Part of this Act as if the land were not requisitioned land; and in particular an interest in such land shall be deemed

for the purposes of section forty-nine of this Act to carry the right to vacant possession of the land or the right to obtain such possession before the first day of January, nineteen hundred and fifty-four, if it would carry that right if the land were not requisitioned land.

(2) Where an interest in land the value of which falls to be ascertained in accordance with the foregoing provisions of this Part of this Act is acquired compulsorily in such circumstances that Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, then,—

- (a) if the land is requisitioned land and the period of requisition had begun before the appointed day, subsection (2) of section forty-eight of this Act shall have effect as if for any reference to the appointed day in the Third Schedule to this Act there were substituted a reference to the beginning of the period of requisition;
- (b) where section fifty applies, the provisions of that section shall have effect in substitution for the provisions of section forty-one of the Requisitioned Land and War Works Act, 1945, so far as it relates to the war damage and to any work done for the making good of the war damage:

Provided that for the purposes of subsection (2) of the said section fifty no account shall be taken of any such works as are mentioned in paragraph (b) of subsection (1) of the said section forty-one.

(3) Where, by virtue of paragraph (a) of the last foregoing subsection, the Third Schedule to this Act applies in relation to the assessment of compensation for the compulsory acquisition of an interest in land being requisitioned land as if the beginning of the period of requisition were substituted therein for the appointed day, then, if any buildings or works have been erected or constructed on the land during the period of requisition, and either—

- (a) a payment in respect of the value of those buildings or works has been made by any person interested in the land to a Minister under Part II of the Requisitioned Land and War Works Act, 1945, in pursuance of a report of the War Works Commission thereunder, or
- (b) any such payment or other consideration has been or is required to be made or given by any such person to a Minister in pursuance of an agreement between them, or
- (c) the buildings or works were otherwise erected or constructed wholly or partly at the expense of any such person,

PART IV.
—*cont.*

those buildings or works shall be treated for the purposes of the said Third Schedule as having been erected or constructed immediately before the beginning of the period of requisition.

Compensation
for compulsory
acquisition
after passing
of this Act and
before the
appointed day.

52.—(1) Subject to the provisions of this section, the foregoing provisions of this Part of this Act shall apply in relation to land compulsorily acquired in pursuance of a notice to treat served after the passing of this Act and before the appointed day as they apply in relation to land compulsorily acquired in pursuance of a notice to treat served after the appointed day; and subsections (3) and (4) of section fifty of this Act shall apply in relation to land acquired by agreement in pursuance of a contract made after the passing of this Act as they apply in relation to land acquired by agreement in pursuance of a contract made after the appointed day.

(2) The value of any interest in land which is compulsorily acquired as aforesaid shall be ascertained by reference to prices current immediately before the seventh day of January, nineteen hundred and forty-seven, and for that purpose the interest shall be deemed to have been subsisting immediately before that day subject to all incidents to which it is subject on the date of the notice to treat, and the land shall be deemed to have been immediately before the said seventh day of January in the same state as it is at the date of the notice to treat.

(3) Subsections (2) to (6) of section forty-eight of this Act shall not apply to any interest in land which is compulsorily acquired as aforesaid, but in calculating the value of any such interest it shall be assumed that the land was, at the time of the notice to treat, subject to a permanent restriction prohibiting the carrying out thereon of any development other than development of the classes specified in the Third Schedule to this Act; and for the purposes of this provision, section ten of this Act and the said Third Schedule shall have effect as if for the references therein to the appointed day there were substituted references to the date of the notice to treat.

(4) Nothing in subsection (2) of this section shall be construed as affecting the operation of Part VIII of the Requisitioned Land and War Works Act, 1945, in any case to which that Part applies; and where any land the value of an interest in which falls to be ascertained in accordance with the provisions of subsection (3) of this section is requisitioned land—

(a) the Third Schedule to this Act, as applied for the purposes of the said subsection (3), shall have effect

PART IV.
—cont.

as if for references therein to the appointed day there were substituted references to the beginning of the period of requisition instead of references to the date of the notice to treat; and

- (b) subsection (3) of section fifty-one of this Act shall apply as it applies in relation to the assessment of compensation in accordance with paragraph (a) of subsection (2) of that section.

53.—(1) Where an interest in land which is compulsorily acquired in pursuance of a notice to treat served after the passing of this Act is an interest in a hereditament or part of a hereditament which has sustained war damage, any of which has not been made good at the date of the notice to treat, then

Special provisions as to war-damaged land where compensation assessed by reference to cost of equivalent re-instatement.

- (a) the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory acquisition or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works; and

- (b) the land would, but for the occurrence of the war damage, be devoted to any such purpose as is mentioned in Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, the provisions of the said Rule (5) shall have effect for the purposes of the assessment of compensation payable in respect of the compulsory acquisition as if the land were so devoted as aforesaid.

(2) Where any such interest in land as is mentioned in the foregoing subsection is compulsorily acquired as therein mentioned, then, if the conditions specified in paragraph (a) of that subsection are satisfied, and the compensation payable in respect of the acquisition falls (whether by virtue of that subsection or otherwise) to be assessed in accordance with the said Rule (5), the reasonable cost of equivalent reinstatement shall be ascertained for the purposes of the said Rule (5) by reference to the state of the land immediately before the occurrence of the war damage, and the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest which is compulsorily acquired (including interest thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is so acquired.

(3) Where any such interest in land as aforesaid is acquired by agreement in pursuance of a contract made after the

PART IV.
—cont.

passing of this Act by a person authorised by virtue of any enactment to acquire it compulsorily, then if the conditions specified in paragraph (a) of subsection (1) of this section are satisfied in relation to the land, and the compensation which would be payable in respect of the acquisition, if the acquisition were compulsory, would fall (whether by virtue of the said subsection (1) or otherwise) to be assessed in accordance with the said Rule (5), the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest acquired (including interest thereon) shall vest in the person by whom the interest is so acquired.

(4) Subsection (4) of section sixty-nine of the War Damage Act, 1943 (which makes special provision with respect to payments under that Act in respect of war damage sustained by hereditaments held for charitable purposes) shall not apply to any payment which by virtue of this section vests in the person by whom an interest in land is acquired.

Amendments
of 9 & 10
Geo. 5. c. 57,
etc.

54.—(1) The Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the compulsory acquisition of land under this or any other Act by the Central Land Board or any statutory undertakers as it applies in relation to the compulsory acquisition of land by a government department or a local or public authority, and references in this Act to any such department or authority shall be construed accordingly.

(2) The rate of interest for any period after the passing of this Act on compensation which fell or falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (whether as originally enacted or as amended by any subsequent enactment including this Act), in respect of land compulsorily purchased on which entry has been made before the payment of the compensation shall, in lieu of being the rate of five per cent. specified under section eighty-four of the Lands Clauses Consolidation (Scotland) Act, 1845, be such other rate as may from time to time be prescribed by regulations made by the Treasury under this Act.

(3) Any regulations made by the Treasury under section fifty-eight of the Act of 1945 which are in force at the date of the passing of this Act shall continue in force and have effect as if they had been made under this Act and shall accordingly apply to any compensation which falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by this Act.

PART V.

PAYMENTS OUT OF CENTRAL FUNDS IN RESPECT OF
DEPRECIATION OF LAND VALUES.*Payments for depreciation.*

55.—(1) Subject to the provisions of this Part of this Act, ^{Payment} payments shall be made in accordance with a scheme to be ^{for} made by the Treasury under this section, in respect of interests ^{depreciation} in land which are depreciated in value by virtue of the provi- ^{of land} sions of this Act. ^{values.}

(2) The aggregate amount of the payments to be made by virtue of this section shall be the amount apportioned to land in Scotland by order made by the Treasury under the Town and Country Planning Act, 1947, out of the sum of three hundred million pounds provided by that Act for making payments in respect of interests in land in Scotland and in England and Wales which are depreciated in value by virtue of the provisions of this Act or of that Act.

(3) As soon as may be after they are sufficiently informed as to the development values of interests in land in respect of which claims are made for payments under this Part of this Act, the Treasury shall make a scheme providing for the distribution, as between those interests or such of them as may be prescribed by the scheme, of the sum apportioned as afore-said to land in Scotland.

(4) Without prejudice to the generality of the last foregoing subsection, any scheme made by the Treasury thereunder may provide for the ascertainment of the amount of the payments to be made under the scheme in respect of particular interests in land either by reference to the development values of those interests respectively or by reference to such other circumstances affecting those interests as may be prescribed by the scheme, or partly in the one way and partly in the other, and may contain such incidental and consequential provisions as appear to the Treasury to be necessary or expedient, including provision—

(a) for applying, in relation to any payment made in accordance with the scheme, all or any of the provisions of sections twenty-four to twenty-six and twenty-eight to thirty of the War Damage Act, 1943 (which relate to the rights of heritable creditors and certain other persons as to payments for war damage) subject to such adaptations and modifications as may be prescribed by the scheme;

(b) for enabling any such payment falling to be made in respect of the interest of a vassal, or of an owner of land subject to a ground annual, or of a lessee under a lease, or any part of such a payment, to

PART V.
—*cont.*

be made, in such cases and subject to such conditions as may be prescribed by the scheme, to the superior instead of to the vassal, or to the creditor in the ground annual instead of to the owner, or to the lessor instead of to the lessee, as the case may be, and for any consequential modifications of the liabilities of the vassal, the owner or the lessee, under the feu charter, the contract of ground annual or the lease, as the case may be;

- (c) for the determination of questions arising under the scheme as to the right of any person to receive a payment, or any part of a payment, thereunder.

(5) The power of the Treasury to make a scheme under this section shall include power to amend any such scheme by a subsequent scheme made thereunder.

(6) A scheme made by the Treasury under this section shall be of no effect unless it is approved by resolution of each House of Parliament.

Additional
payments in
respect of
certain war-
damaged land.

56.—(1) Without prejudice to the provisions of the last foregoing section, the Treasury may make a scheme under this section providing for the making of payments of such amounts, in such cases, and subject to such conditions, as may be prescribed by the scheme, in respect of interests in land which are depreciated in value by virtue of the provisions of this Act, being land in the case of which it is shown—

- (a) that the land sustained war damage in such circumstances that the appropriate payment under the War Damage Act, 1943, in respect of a hereditament within the meaning of that Act which consists of or includes the whole or any part of the land is a value payment;
- (b) that by reason of the prospects of development other than the making good of the war damage, the value of the hereditament in the state in which it was immediately after the occurrence of the damage is higher, and the amount of the value payment is accordingly lower, than it would be apart from the prospect of such development.

(2) For the purposes of this section, a value payment shall be deemed to be the appropriate payment under the War Damage Act, 1943, in respect of a hereditament—

- (a) where such a payment would be appropriate thereunder, but no payment falls to be made because the value of the hereditament in the state in which it was immediately after the occurrence of the war damage

is equal to or greater than its value in the state in which it was immediately before the occurrence of the damage; and

PART V.
—*cont.*

(b) where a value payment falls to be made under any provision of the said Act in substitution for a payment of cost of works which, but for that provision, would be the appropriate payment.

(3) Any scheme made under this section may contain such incidental and consequential provisions as appear to the Treasury to be necessary or expedient, including provision for the matters specified in paragraphs (a) to (c) of subsection (4) of the last foregoing section.

(4) Any scheme made under this section shall be laid before Parliament immediately after it is made, and if either House within the period of forty days after the scheme is so laid before it, resolves that the scheme be annulled, it shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new scheme.

(5) In reckoning for the purposes of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

57.—(1) Any claim for a payment under a scheme made under this Part of this Act shall be made to the Central Land Board in such manner, within such period, and accompanied by such particulars and verified by such evidence, as may be prescribed by regulations made for the purposes of this section, or as may be required by the Board in accordance with such regulations. Establishment
of claims for
payments.

(2) Provision may be made by regulations under this Act for regulating the making of claims for payments under a scheme made under this Part of this Act and for the ascertainment, in the case of interests in land in respect of which claims are so made, of the development values of those interests and of such other particulars as may be required for the purposes of the preparation of a scheme under section fifty-five of this Act or for the purposes of a scheme made under the last foregoing section; and without prejudice to the generality of the foregoing provision, such regulations may provide—

(a) for requiring the development values of interests in land to be determined by such authority, in such manner and within such period as may be prescribed by the regulations, and for the settlement

PART V.
—cont.

of any dispute arising in relation to such determinations by an arbiter appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, or by a special tribunal constituted in accordance with the regulations;

- (b) for regulating the practice and procedure to be followed in connection with the making of any such determination and the settlement of any such dispute, and the time within which and the manner in which proceedings may be taken in respect of any alleged irregularity in connection therewith;
- (c) for rendering the right to a payment under this Part of this Act conditional upon compliance with the provisions of the regulations with respect to the making of claims;
- (d) for any matters incidental to or consequential on the matters aforesaid.

(3) A claim for a payment under a scheme made under this Part of this Act may be made in respect of any interest in land being the interest of the superior, or of the creditor in a ground annual, or of the person who is the proprietor of the *dominium utile* or, in the case of land other than feudal land, is the owner of the land, or of the lessee under a lease.

(4) Subject as hereinafter provided, a claim for a payment under a scheme made under this Part of this Act may be made in respect of such land as the claimant thinks fit, and different claims may be made in respect of the interest of the same person in different parcels of land:

Provided that the Central Land Board may direct that any two or more claims in respect of the interest of the same person in different parcels of land shall be dealt with together and treated as if they were one claim in respect of the interest of that person in the whole of the land included in the claims.

Ascertainment
of develop-
ment values
of land.

58.—(1) For the purposes of this Part of this Act and of any scheme made thereunder, an interest in land shall be deemed to be depreciated in value by virtue of the provisions of this Act if the restricted value of that interest on the appointed day, calculated in accordance with the provisions of this and the next following section, is less than the unrestricted value of that interest on that day as so calculated; and references in this Part of this Act to the development value of an interest in land shall be construed as references to the difference between those values.

(2) Subject to the following provisions of this section—

- (a) the restricted value of an interest in land on the appointed day shall be taken to be the value of that

interest as it subsists on that day, calculated on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development; and

PART V.
—cont.

- (b) the unrestricted value of an interest in land on the appointed day shall be taken to be the value which that interest would have had as it subsists on that day if the provisions of this Act (other than this and the next following section) had not passed.

(3) Where land is used on the appointed day for the display of advertisements, no account shall be taken, in calculating the restricted value of any interest therein, of any power to require the discontinuance of that use by virtue of regulations made under the provisions of Part II of this Act with respect to the control of advertisements.

(4) Where any permission to develop land granted on an application made in that behalf under an interim development order has been revoked or modified before the appointed day under section four of the Town and Country Planning (Interim Development) (Scotland) Act, 1943, the unrestricted value of any interest in that land shall be calculated without regard to the revocation or modification of that permission:

6 & 7 Geo. 6.
c. 43.

Provided that—

- (a) in calculating the unrestricted value of the interest no account shall be taken of any works in respect of which any compensation has been paid under subsection (2) of section seven of the said Act; and
- (b) if any contribution has been paid under subsection (4) of the said section four to the owner of the interest or his predecessor in title, the amount of that contribution shall be deducted from the unrestricted value of the interest.

(5) For the purposes of this section, the restricted and the unrestricted values of interests in land shall be calculated by reference to prices current immediately before the seventh day of January, nineteen hundred and forty-seven, and for that purpose any such interest shall be treated as if it had been subsisting immediately before that date with all incidents to which it is subject on the appointed day (being incidents which are relevant to the calculation of the restricted or unrestricted value of that interest, as the case may be), and the land shall be treated as having been immediately before that date in the same state as it is on the appointed day:

Provided that in computing the restricted value of an interest in land, no account shall be taken of the provisions of this Act except in their application to that land.

PART V.
—*cont.*

(6) In computing the unrestricted value of the interest of any person in land which, on the appointed day, was held by him with other land, there shall be deducted—

- (a) an amount equal to the compensation (if any) to which that person would be entitled for the severance of the land from that other land if the first-mentioned land were compulsorily acquired by a government department in pursuance of a notice to treat given on the appointed day; and
- (b) in so far as the unrestricted value of the land depends on the prospect of development which would injuriously affect that other land, an amount equal to the compensation (if any) to which that person would be entitled for such injurious affection if the first-mentioned land were compulsorily acquired as aforesaid for the purpose of that development.

(7) In so far as the unrestricted value of an interest in land depends upon the prospect of any development which, if carried out by the owner of that interest, would necessarily involve a loss to him in the nature of disturbance in respect of the purposes for which the land is being used on the appointed day, the amount of that loss shall be deducted from the unrestricted value of that interest.

**Supple-
mentary
provisions
as to
development
values.**

59.—(1) Rules (2), (3) and (4) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in computing the restricted and the unrestricted values of interests in land for the purposes of this Part of this Act as they apply in relation to the compulsory purchase of interests in land.

(2) The restricted and the unrestricted values of an interest in land being the interest of a superior shall be computed on the assumption that the vassal will at all times be able to pay the feu duty and perform his other obligations under the feu charter.

(3) The restricted and the unrestricted values of an interest in land being the interest of a creditor in a ground annual shall be computed on the assumption that the owner of the land subject to the ground annual will at all times be able to pay the ground annual and perform his other obligations under the contract of ground annual.

(4) The restricted and the unrestricted values of an interest in land being the interest of a landlord in land subject to a lease shall be computed on the assumption that the lessee will at all times be able to pay the rent and perform his other obligations under the lease; and the restricted and the unrestricted values of an interest being the interest of a lessee

under a lease or of an interest being the interest of a landlord in land subject to a lease shall be computed as aforesaid on the assumption that any option exercisable by either party to determine or to renew the lease will be exercised by that party if it is in his interest so to do and not otherwise.

(5) The restricted and the unrestricted values of an interest in land which is subject to a heritable security shall be computed as if the security had been discharged.

(6) It is hereby declared that the restricted or the unrestricted value, or both the restricted and the unrestricted values, of an interest in land may be a minus quantity.

60.—(1) Without prejudice to any provisions which may be included in a scheme made under section fifty-five of this Act for prescribing the cases in which payments are to be made thereunder, no such payment shall be made in respect of an interest in land in respect of which a claim is made unless—

(a) the development value of that interest, when averaged over the area of the land, exceeds the rate of twenty pounds per acre; and

(b) the development value of that interest also exceeds one tenth of its restricted value.

(2) In determining for the purposes of paragraph (b) of the foregoing subsection whether the development value of an interest in land exceeds one tenth of its restricted value, those values shall be calculated—

(a) in the case of an interest of a lessee under a lease, as if the rent payable under the lease were a rent of one penny if asked;

(b) in the case of an interest which is subject to a feu duty or ground annual as if the interest were not subject thereto.

61.—(1) Subject to the provisions of any scheme made under this Part of this Act with respect to the disposal of payments made thereunder, the right to receive any such payment in respect of an interest in land shall vest in the person who is on the appointed day the owner of that interest.

Vesting and
assignment
of right to
payments
under Part V.

(2) The right to receive a payment under any scheme made under this Part of this Act, or a part of such a payment, shall be transmissible by assignation or by operation of law as moveable property:

Provided that regulations made under this Act may direct that any such assignation shall be of no effect for the purposes of any such scheme as aforesaid unless notice thereof has been given to the Central Land Board, in the manner prescribed by the regulations, within such period as may be so prescribed.

PART V.

—*cont.*Satisfaction
of payments
under Part V.*Satisfaction of Payments.*

62.—(1) All payments falling to be made in accordance with a scheme made under section fifty-five of this Act shall be satisfied by the issue of government stock, that is to say stock the principal of which and the interest on which shall be charged on the Consolidated Fund; and all payments falling to be made in accordance with a scheme made under section fifty-six of this Act shall be made in cash by the Central Land Board.

(2) Any such stock shall be issued on such date as may be fixed by the Treasury, being a date not later than five years after the appointed day:

Provided that if the amount of any payment required by this section to be satisfied by the issue of stock has not been finally determined on the date so fixed, the stock to be issued in satisfaction of the payment shall be issued on such date, not being later than three months after the amount thereof has been so determined, as the Treasury may direct.

(3) Interest on the amount of any payment falling to be made in accordance with a scheme made under this Part of this Act shall accrue, at such rate as may from time to time be determined by the Treasury, from the appointed day until the payment is satisfied in accordance with the provisions of this section, and shall be paid in cash by the Central Land Board at the time when the payment is so satisfied.

(4) The amount of the stock to be issued in satisfaction of any payment under this Part of this Act shall be such as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the payment, having due regard to the market values of other government securities existing on that date.

(5) The Treasury may by regulations make provision as to the procedure for the issue of stock in satisfaction of payments under this Part of this Act including provision as to evidence of the amount of stock to be issued in any case, and the person to whom it is to be issued, on which the Banks of England and Ireland respectively are to be authorised or required to act.

General
provisions
as to stock.

63.—(1) Any stock issued in accordance with the last foregoing section (in this section referred to as "the stock") shall bear such rate of interest, and shall be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine.

(2) Any expenses incurred in connection with the issue or repayment of the stock shall be charged on and issued out of the Consolidated Fund.

(3) The Treasury may, for the purpose of providing any sums required by them in order to redeem the stock, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

PART V.
—cont.

2 & 3 Geo. 6.
c. 117.

(4) Interest on the stock shall be paid out of the permanent annual charge for the national debt.

(5) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such sum in respect of the management of the stock in any financial year as may be agreed upon between the Treasury and those banks respectively.

(6) Section forty-seven of the Finance Act, 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of the Eleventh Schedule to that Act) and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if the stock were included among the stocks mentioned in the said Part I and among the stocks to which the said regulations apply.

5 & 6 Geo. 6.
c. 21.

(7) The stock shall be subject to the provisions of the National Debt Act, 1870, so far as is consistent with the tenor of this Act.

33 & 34 Vict.
c. 71.

(8) Paragraphs 3, 4 and 5 of the Second Schedule to the National Loans Act, 1939 (which applies certain enactments to securities issued under that Act) shall have effect as if references to securities so issued included references to the stock.

64.—(1) The Treasury may issue to the Central Land Board out of the Consolidated Fund such sums as are necessary to enable the Board to make any payments which under this Part of this Act are payable by the Board in cash.

Provision for
payments in
cash.

(2) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under that Act.

PART V.

—cont.

Payments by
Central Land
Board into
Exchequer.

65.—(1) The Central Land Board shall, out of moneys provided by Parliament, pay into the Exchequer in accordance with the following provisions of this section sums equal to the aggregate amount of—

(a) the amount of any payments satisfied by the issue of stock under the foregoing provisions of this Part of this Act; and

(b) the amount of any sums issued to the Board out of the Consolidated Fund under the last foregoing section in respect of interest on such payments,

together with interest on the said aggregate amount at such rate as the Treasury may direct from the date of the issue.

(2) The sums required by the foregoing subsection to be paid into the Exchequer by the Central Land Board shall be paid by twenty equal instalments of principal and interest, of which the first shall be paid one year after the date fixed by the Treasury for the issue of the stock, and the remainder annually thereafter:

Provided that where any payment made under this Part of this Act is satisfied, in accordance with the proviso to subsection (2) of section sixty-two of this Act, by the issue of stock at any time after the date fixed as aforesaid, the sums required to be paid into the Exchequer under this section in respect of that payment, and in respect of sums issued to the Board under the last foregoing section in respect of interest thereon, shall be so paid by such number of equal annual instalments of principal and interest as will complete the instalments on the same date as the instalments in respect of payments which are satisfied on the date fixed as aforesaid.

(3) Any sums paid into the Exchequer under the foregoing provisions of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

(a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;

(b) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this provision, have fallen to be paid out of the permanent annual charge for the national debt.

PART VI.

DEVELOPMENT CHARGES.

Levy of
development
charge in
respect of
certain
developments.

66.—(1) Subject to the provisions of this Act, there shall be paid to the Central Land Board in respect of the carrying out of any operations to which this Part of this Act applies, and in respect of any use of land to which this Part of this Act applies, a development charge of such amount, if any, as the

Board may determine, and accordingly no such operations shall be carried out, and no such use shall be instituted or continued, except with the consent in writing of the Central Land Board, until the amount of the charge, if any, to be paid in respect of those operations or that use has been determined by the Board, and the Board have certified that the amount so determined has been paid or secured to the satisfaction of the Board in accordance with the following provisions of this Part of this Act.

PART VI.

—cont.

(2) This Part of this Act applies to all operations for the carrying out of which planning permission is required, and to all uses of land for the institution or continuance of which such permission is required:

Provided that—

- (a) this Part of this Act does not (except as hereinafter provided) apply to operations of any description specified in the Third Schedule to this Act or to any use of land so specified;
- (b) regulations made under this Act with the consent of the Treasury may provide for exempting from the provisions of this Part of this Act operations or uses of any description specified in the regulations.

(3) Notwithstanding anything in paragraph (a) of the proviso to the last foregoing subsection, where planning permission is granted for the carrying out of operations of any class specified in the Third Schedule to this Act, or for the institution of any use so specified, then if—

- (a) compensation has been paid under section eighteen of this Act in consequence of a previous refusal of permission for those operations or that use or of the grant of such permission subject to conditions, or in consequence of the revocation or modification of permission so granted; or
- (b) compensation has been paid under section twenty-five of this Act in consequence of an order requiring the removal of any building or the discontinuance of any use of land, and the planning permission authorises the rebuilding of that building or the resumption of that use;

this Part of this Act shall apply to those operations, or to that use, as the case may be, and where the amount of the development charge to be paid in respect of those operations or that use has been determined by the Central Land Board in accordance with the provisions of this Part of this Act, the Board may pay to any local planning authority by whom any such compensation as aforesaid has been paid a contribution towards that compensation not exceeding the said amount.

PART VI.
—cont.

(4) Where, by virtue of any provision of this Act, planning permission is granted in respect of the retention on land of any buildings or works erected or carried out in accordance with planning permission granted for a limited period only, this Part of this Act shall apply to the retention of buildings or works as it applies to operations for which planning permission is required and references in this Part of this Act to the carrying out of such operations shall be construed accordingly.

(5) Regulations made for the purposes of paragraph (b) of the proviso to subsection (2) of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(6) Any sums required by the Central Land Board for the making of contributions under this section shall be defrayed out of moneys provided by Parliament.

Determination
of develop-
ment charge
by Central
Land Board.

67.—(1) Subject as hereinafter provided, the Central Land Board shall, as soon as may be after an application has been made to them in the manner prescribed by regulations under this Act by a person having an interest in land sufficient to enable him to carry out any such operations as aforesaid or to make any such use as aforesaid, or by a person who satisfies them that he is able to obtain such an interest, determine whether any and if so what development charge is to be paid in respect of those operations or that use:

Provided that—

- (a) where planning permission has not been granted for the carrying out of the said operations or for the institution or continuance of the said use, the Board may postpone the determination of the development charge to be paid in respect thereof until such permission has been granted;
- (b) where the application relates to the carrying out of any operations, the Board may refuse to determine the development charge payable in respect thereof unless they are satisfied, after consultation with the local planning authority, that the applicant is able to carry out those operations, and that he will do so within such period as the Board consider appropriate;
- (c) where the application relates to the institution of any use of land, the Board may refuse to determine the amount of the charge in respect thereof unless they are satisfied, after consultation with the local planning authority, that the use will be instituted within such period as the Board consider appropriate.

(2) In determining whether any and if so what development charge is to be paid in respect of any operations or any use of land, the Board—

(a) shall have regard to the amount by which the value of the land with the benefit of planning permission for those operations or that use (calculated without regard to any charge payable in respect thereof under this Part of this Act and on the assumption that the operation or use can lawfully be carried out or made apart from the provisions of this Act) exceeds the value which it would have without the benefit of such permission; and

(b) shall not give undue or unreasonable preference or advantage to one applicant over another.

(3) Subject to the provisions of the last foregoing subsection, regulations made under this Act with the consent of the Treasury may prescribe general principles to be followed by the Central Land Board in determining under this Part of this Act whether any and if so what development charge is to be paid thereunder in respect of any operations or use of land; and, without prejudice to the generality of the foregoing provision, such regulations may in particular provide for securing that the amount of the said charge shall be determined on different principles in relation to operations or uses of different classes, or in relation to operations or uses carried out or begun at different periods.

(4) Where planning permission for any operations, or for any use of land, is granted under subsection (6) of section twenty-four of this Act, or directions are given under paragraph (b) of the proviso to subsection (2) of section seventeen of this Act requiring such permission to be granted on application made in that behalf, the Board may determine the amount of the development charge (if any) which would be payable in respect of those operations or that use, notwithstanding that no such application as is mentioned in this section has been made to them in that behalf.

(5) Regulations made for the purposes of subsection (3) of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

68.—(1) The amount of the development charge payable in respect of the carrying out of any operations or in respect of any use of land may be determined either as a single capital payment or as a series of instalments of capital, or of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Central Land Board may determine after taking into account any representations made by the applicant.

Payment and
security for
payment of
development
charges.

PART VI.
—cont.

(2) Except where the development charge is determined as aforesaid as a single capital payment which is then discharged, the Central Land Board may require the applicant to enter into such agreement as they may direct for the payment of any sums payable by virtue of the determination (whether with or without interest in default of due payment), or to give such security as they may direct for the payment of any such sums as aforesaid, or may require the applicant both to enter into such agreement and to give such security:

Provided that, notwithstanding anything in this section or in any requirement of the Board thereunder, any person for the time being interested in the land may at any time discharge any outstanding liability for sums payable by virtue of the determination by the payment of such amount as may be determined by the Board to represent the value of those sums subject to such discount as they consider appropriate.

(3) Where the amount of a development charge as determined by the Board has been discharged or any such requirement as aforesaid has been complied with, or where the Board determine that no such charge is to be paid, the Board shall, if so required by the applicant, issue their certificate to that effect.

(4) Any sums received by the Central Land Board in respect of the payment of a development charge shall be paid into the Exchequer.

Scope and
effect of
determinations
of Central
Land Board.

69.—(1) Subject as hereinafter provided, a determination of the Central Land Board under this Part of this Act in respect of any operations or use of land shall have effect in relation to the carrying out of those operations, or, as the case may be, in relation to that use of the land, by any person for the time being interested therein, and the question whether any and if so what development charge is to be paid in respect of any such operations or use shall be determined accordingly:

Provided that the Board may, if they think fit, direct that any such determination as aforesaid shall cease to have effect if, before the operations to which the determination relates are carried out or completed, or, as the case may be, before the use to which it relates is instituted, any interest in the land is transferred or created (otherwise than by operation of law), unless the determination is confirmed by the Board with or without modifications, on a subsequent application made to them in that behalf.

(2) Notwithstanding anything in the foregoing subsection, the amount of the development charge payable in respect of the use of land for any purpose may be determined in respect of the use of the land for that purpose during such period as may be specified in the determination:

Provided that—

- (a) where planning permission for the institution or continuance of the use of land for any purpose has been granted for a limited period only, the amount of the said charge shall not be determined in respect of the use of the land for that purpose for any longer period; and
- (b) where application is made to the Central Land Board to determine the amount of the said charge in respect of the use of the land for any purpose for any period specified in the application, the said amount shall not be so determined in respect of the use of the land for that purpose for any period longer than the period so specified.

(3) Where a determination of the Central Land Board is made, under the last foregoing subsection, in respect of the use of land for any purpose for a period specified in the determination, the provisions of this Part of this Act shall apply in relation to the use of the land for that purpose by any person after the expiration of that period as if the determination had not been made.

70.—(1) The Central Land Board may at any time, on application made to them in that behalf in accordance with regulations under this Act by the person entitled to an interest in land to which a determination under this Part of this Act relates, vary their determination in such manner as appears to them to be appropriate having regard to any change of circumstances since the determination was made, including the development, after the determination, of adjacent land in accordance with planning permission granted otherwise than in accordance with the provisions of the development plan, and may amend, discharge, modify or release any agreements or securities made or given in respect of the determination, or repay any sums previously paid thereunder, so far as may be required in order to give effect to the variation:

Variation of determinations and repayment of development charges in certain cases.

Provided that, except in a case where application is made to them to confirm a previous determination on the transfer or creation of any interest in land, the Board shall not have power to vary any determination under this Part of this Act so as to increase the amount of the development charge payable thereunder.

(2) Where, after the amount of the development charge has been determined under this Part of this Act in respect of any operations or in respect of any use of land, and before the amount so determined has been fully discharged—

- (a) planning permission for the carrying out of those operations or for the institution or continuance of that use is revoked by an order made under section nineteen of this Act; or

PART VI.
—cont.

(b) an order is made under section twenty-four of this Act requiring the removal of any buildings or works erected or constructed in carrying out those operations, or requiring the discontinuance of that use; or

(c) the whole of the land to which the determination relates is compulsorily acquired under this or any other Act,

the determination, and any agreements or charges made or given in respect thereof, shall thereupon cease to have effect but without prejudice to the validity of anything previously done thereunder, and the Board shall on application being made to them discharge or release any agreements or securities given in respect thereof.

(3) Where, after the amount of the development charge has been determined as aforesaid, and before the amount so determined has been fully discharged,—

(a) planning permission for the carrying out of the operations, or for the institution or continuance of the use, to which the determination relates, is modified by an order made under the said section nineteen; or

(b) an order is made under the said section twenty-four requiring the alteration of any buildings or works erected or constructed in the carrying out of those operations, or imposing conditions on the continuance of that use; or

(c) any part of the land to which the determination relates is compulsorily acquired under this or any other Act,

the Board shall, on application made to them in accordance with regulations under this Act, vary the determination and amend, discharge, modify or release any agreements or securities made or given in respect thereof, so far as may be just in consequence of the modification, order or purchase, as the case may be.

(4) Where compensation is payable under Part II of this Act in consequence of any such order as mentioned in paragraph (a) or paragraph (b) of subsection (2) or subsection (3) of this section, then, in calculating for the purposes of the compensation any depreciation in the value of the land to which the order relates, or any other loss or damage sustained by a person interested in that land, regard shall be had to the foregoing provisions of this section and to anything done by the Board thereunder.

(5) Where compensation is payable under the said Part II in consequence of any such order as aforesaid, or where land is compulsorily acquired as mentioned in paragraph (c) of subsection (2) or subsection (3) of this section, then, if any sums

have been paid to the Central Land Board by way of development charge in accordance with the determination referred to in those subsections, the Board shall pay to the authority or person by whom compensation is payable in consequence of the order or, as the case may be, in respect of the compulsory acquisition, a contribution towards that compensation representing such proportion of the sums so paid by way of development charge as may be agreed between the Board and that authority or person, or, failing agreement, as may be determined by the Secretary of State, to be appropriate in all the circumstances of the case.

PART VI.
—*cont.*

(6) Subsection (3) of section twenty of this Act shall apply for the purposes of this section as it applies for the purposes of that section, and shall accordingly have effect as if the reference therein to the foregoing provisions of that section included a reference to the foregoing provisions of this section; and any reference in this section to the compulsory acquisition of land shall be construed as including a reference to the acquisition of land by agreement by any authority or person who has power or can be authorised to acquire it compulsorily.

(7) Any sums required by the Central Land Board for the repayment of sums under this section, or for the making of contributions thereunder, shall be defrayed out of moneys provided by Parliament.

(8) Where in consequence of the revocation or modification of planning permission or of the making of an order under section twenty-four of this Act a determination of the Central Land Board ceases to have effect or is varied, and the Board amend, discharge, modify or release any agreement or security made or given in respect thereof, the local planning authority shall pay to the owner of the interest which is the subject of the agreement or security compensation of such amount as may be determined by agreement between the authority and the owner or, in default of agreement, by the Auditor of the Court of Session, to represent the amount of any legal expenses incurred by the owner or any of his predecessors in title which have been rendered abortive or which have become necessary in consequence of the revocation or modification of the permission or the making of the order.

In this subsection the expression " legal expenses " means any legal expenses (including stamp duties, search fees and recording dues) reasonably and necessarily incurred in connection with an agreement or security required by the Board to be made or given in respect of the determination or in connection with the amendment, discharge, modification or release of any such agreement or security.

PART VI.

—cont.

Powers of
Central Land
Board as
to develop-
ment carried
out in
contravention
of Part VI.

71.—(1) If any operations to which this Part of this Act applies are carried out, or any use of land to which this Part of this Act applies is instituted or continued, in contravention of the foregoing provisions of this Part of this Act, the Central Land Board may, without any application being made to them in that behalf, by order determine whether any and if so what development charge is to be paid in respect of those operations or in respect of that use:

Provided that, subject to the following provisions of this section, the amount of the development charge so determined shall not exceed the amount which, in the opinion of the Board, would have been so determined if application had been duly made to them in that behalf under this Part of this Act.

(2) Any order made under this section may require the payment to the Board, by such person as may be specified in the order (being the person by whom the operations were carried out or by whom the use was instituted or continued, as the case may be) of such sums in respect of the charge and interest thereon as may be so specified; and if they think fit so to do, the Board may, in the manner specified in subsection (6) of this section, create a charge on the land, or, where the land is held under a lease recorded under the Registration of Leases (Scotland) Act, 1857, create a charge on the lease, for the payment of any sums payable under this section by the owner of the land or the tenant under the lease, as the case may be, or by any predecessor in title of the owner or tenant.

(3) A copy of any order made under this section shall be served by the Central Land Board on the person required by the order to make any payment to the Board and on the owner and the tenant of the land.

(4) Subject as hereinafter provided, the Central Land Board may, if it appears to them to be just so to do, include in the amount of the development charge determined by an order under this section such additional sum by way of penalty as they consider appropriate, not exceeding twice the amount of the development charge determined as aforesaid, and the provisions of subsection (2) of this section shall apply in relation to any such penalty as they apply in relation to the amount determined as aforesaid:

Provided that any person who is aggrieved by the inclusion of any such penalty in an order under this section may, within twenty-eight days from the date on which a copy of the order is served on him, appeal to the appropriate court, and that court may, if they think fit, modify the order by omitting the penalty or by reducing the amount thereof to such extent

20 & 21 Vict.
c. 26.

as they think just; and the decision of that court shall be final.

PART VI.
—*cont.*

(5) The provisions of this section shall apply in relation to any such operations or uses of land as are mentioned in subsection (1) of this section whether or not planning permission was granted in respect thereof; but where proceedings are taken under section twenty-one of this Act for the enforcement of planning control in relation to any such operations or use, regard shall be had to those proceedings in determining the amount of the development charge under this section.

(6) For the purpose of creating a charge under this section for the payment of any sums payable thereunder, the Board may make in favour of themselves a charging order charging and burdening the land or the lease, as the case may be, with an annuity to repay the sums so payable together with the expenses of making the charging order and recording it in the appropriate Register of Sasines; and the provisions of subsection (2) and subsections (4) to (10) of section fifty-five of the Water (Scotland) Act, 1946, shall, with the following and any other necessary modifications, apply to any such charging order:—

- (a) for references to the local authority there shall be substituted references to the Board; and
- (b) for references to Part III of the said Act of 1946 there shall be substituted references to Part VI of this Act.

(7) For the purposes of subsection (4) of this section the expression “the appropriate court” means, in relation to a penalty not exceeding five hundred pounds, the sheriff having jurisdiction in the place in which the land or any part thereof is situated, and, in relation to a penalty exceeding five hundred pounds, the sheriff having jurisdiction as aforesaid or the Court of Session.

PART VII.

APPLICATION TO SPECIAL CASES.

72.—(1) Where any works on land existing at the appointed day were carried out, or any use to which land is put on that day was begun, in contravention of previous planning control, then, subject to the provisions of this section, the provisions of Part II of this Act with respect to enforcement notices shall apply in relation thereto as they apply in relation to development carried out after the appointed day without the grant of planning permission in that behalf:

Existing
development
contravening
previous
planning
control.

PART VII.
—cont.9 & 10 Geo. 6.
c. 35.

Provided that an enforcement notice shall not be served by virtue of the provisions of this section in respect of any works or use (not being works or a use carried out or begun during the war period as defined by the Building Restrictions (War-Time Contraventions) Act, 1946) at any time after three years from the appointed day.

(2) Where any such works as aforesaid were carried out, or any such use as aforesaid was begun, during the war period as defined by the Building Restrictions (War-Time Contraventions) Act, 1946, then—

(a) if, by virtue of the provisions of that Act or of any determination effected thereunder (whether before or after the appointed day), the works or use are deemed to comply with planning control within the meaning of that Act, the provisions of this section shall not apply, or, as the case may be, shall cease to apply to those works or that use; and

(b) if it has been determined under that Act (whether before or after the appointed day) that the works or use shall not be deemed to comply with planning control within the meaning of that Act, subsection (3) of section twenty-one of this Act shall have effect, in relation to any enforcement notice served in respect of the works or use by virtue of the provisions of this section, as if the proviso to that subsection were omitted.

(3) Where, by virtue of this section, an enforcement notice is served in respect of any works being government war works within the meaning of the Requisitioned Land and War Works Act, 1945, then, subject as hereinafter provided—

(a) if the steps required by the notice are taken by the owner, the lessee or the occupier of the land, any expenses reasonably incurred in that behalf shall be recoverable from the authority by whom the notice was served;

(b) if the steps required by the notice are taken by the said authority, that authority shall not be entitled, under section twenty-two of this Act, to recover the expenses incurred by them in that behalf:

2 & 3 Geo. 6.
c. 75.

Provided that where, under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, the foregoing provisions of this subsection shall not apply; and where compensation has been paid under the said paragraph (b) (otherwise than as aforesaid), or under subsection (4) of section three of the

said Act, in respect of the land, the amount which, by virtue of this subsection, is recoverable from the authority by whom the enforcement notice was served or, as the case may be, is not recoverable by that authority, shall be reduced so far as may be just having regard to the compensation so paid.

PART VII.

—cont.

(4) The power of the local planning authority to grant planning permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any buildings or other works or use of land in respect of which that authority are empowered to serve an enforcement notice by virtue of the provisions of this section; and where permission is so granted, the foregoing provisions of this section shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of Part II of this Act with respect to the contravention of conditions subject to which planning permission has been granted.

(5) In relation to an enforcement notice served by virtue of this section, subsection (4) of section twenty-one of this Act shall have effect as if for paragraph (a) thereof there were substituted the following paragraph:—

“(a) if satisfied that the works or use to which the notice relates are not works or a use to which section seventy-two of this Act applies, shall quash the notice to which the appeal relates”.

(6) Where an enforcement notice served by virtue of this section in relation to any land takes effect—

- (a) the value of any interest therein for the purposes of the assessment of the compensation payable under Part IV of this Act on the compulsory acquisition thereof; and
- (b) the development value of any interest therein for the purposes of Part V of this Act shall be calculated having regard to the requirements of the notice, and the assumptions required to be made for those purposes shall be modified accordingly.

(7) Where planning permission is granted for the continuance of any such use as is mentioned in subsection (1) of this section, then, notwithstanding anything in subsection (2) of section sixty-six of this Act, no development charge shall be payable in respect of the continued use of the land in accordance with permission so granted.

(8) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject

PART VII.

—cont.

to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in contravention of any restriction in force under any enactment repealed by this Act (other than the enactments relating to town and country planning); and any such regulations may make such consequential provisions as the Secretary of State considers expedient, including provision for amending the Building Restrictions (War-Time Contraventions) Act, 1946, in its application to any such restriction as aforesaid:

Provided that where provision is made by such regulations for amending the said Act of 1946, the regulations shall be of no effect unless they are approved by resolution of each House of Parliament.

(g) For the purposes of this section works on land shall be deemed to have been carried out, and uses of land to have been begun, in contravention of previous planning control—

(a) where at the material time the land was subject to a resolution to prepare a planning scheme, if they were carried out or begun otherwise than in accordance with permission granted in that behalf by or under the interim development order;

(b) where at the material time the land was subject to a planning scheme, if they were carried out or begun otherwise than in conformity with the provisions of the scheme or of permission granted thereunder;

and where permission for any works or use was granted as aforesaid subject to conditions (in whatever form) restricting the period during which the works or use could be continued on the land, and that period has expired before the appointed day, the provisions of this section shall apply as if the works or use had been carried out or begun in contravention of previous planning control.

Existing
development
authorised
subject to
conditions.

73.—(1) Where any works on land existing at the appointed day or any use to which land is put on that day, has been authorised by a permission granted subject to conditions under a planning scheme or under an interim development order, the provisions of Part II of this Act shall apply in relation to those works or that use as if the conditions had been imposed on the grant of planning permission.

(2) Without prejudice to the generality of the foregoing subsection, where any such permission as aforesaid was granted subject to conditions (in whatever form) restricting the period for which the works or use may be continued on the land, then, if that period has not expired at the appointed

day and the works are not removed, or the use discontinued, at the expiration of that period, the provisions of Part II of this Act with respect to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the expiration of that period and without the grant of planning permission in that behalf.

PART VII.
—cont.

(3) The power of a local planning authority to grant planning permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in the last foregoing subsection; and where permission is so granted—

(a) the last foregoing subsection shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of the said Part II with respect to the contravention of conditions subject to which planning permission has been granted;

(b) in a case where the permission authorises the retention of any works, subsection (4) of section sixty-six of this Act shall apply in relation to the retention of those works as if they had been erected or carried out in accordance with planning permission granted for a limited period only.

(4) The value of any interest in land to which any such permission as is mentioned in subsection (1) of this section relates for the purposes of the assessment of compensation payable under Part IV of this Act on the compulsory acquisition thereof and the development value of any such interest for the purposes of Part V of this Act shall be calculated having regard to the conditions subject to which the permission was granted and to the provisions of this section, and the assumptions required to be made for those purposes shall be modified accordingly.

(5) Where at any time before the appointed day it has been determined under the Building Restrictions (War-Time Contraventions) Act, 1946, that any works on land or any use of land shall be deemed to comply with planning control within the meaning of that Act subject to any conditions specified in the determination, the provisions of this section shall apply in relation to those works or that use, and in relation to any interest in the land in question, as if the said conditions had been imposed on the grant of permission under a planning scheme or under an interim development order;

PART VII.
—cont

and, notwithstanding any breach of those conditions, the provisions of the last foregoing section shall not apply thereto.

(6) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in accordance with permission granted subject to conditions under any enactment repealed by this Act (other than the enactments relating to town and country planning); and for the purposes of this provision any works or use in respect of which a notice has been served under subsection (1) of section one of the Restriction of Ribbon Development (Temporary Development) Act, 1943, or is deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use may be continued on the land.

6 & 7 Geo. 6.
c. 34.

General
provisions as
to develop-
ment
authorised
under interim
development
orders on or
after
11th Novem-
ber, 1943.

74.—(1) Where permission for any development of land has been granted, at any time on or after the eleventh day of November, nineteen hundred and forty-three, and before the appointed day, on an application in that behalf made under an interim development order, then if and so far as that development has not been carried out before the appointed day and the permission granted as aforesaid is in force immediately before that day, planning permission shall be deemed by virtue of this section to be granted in respect thereof subject to the like conditions (if any) as were imposed by the permission under the interim development order as in force as aforesaid:

Provided that this subsection shall not apply in relation to any development for which permission was required before the appointed day under the Restriction of Ribbon Development Act, 1935, unless that permission has also been granted.

(2) Subject to the provisions of the next following section in any case to which those provisions apply, no account shall be taken of the provisions of this section in calculating for the purposes of Part V of this Act the development value of any interest in land for the development of which permission is deemed to be granted by virtue of this section; and nothing in this section shall be construed as affecting the operation of Part VI of this Act in relation to any development in respect of which permission is deemed to be so granted.

(3) The provisions of section nineteen of this Act shall apply in relation to planning permission which is deemed to

be granted by virtue of this section as if it had been granted on an application made in that behalf under Part II of this Act, and in relation to any order made under that section for the revocation or modification of any such permission any reference in subsection (2) of section twenty of this Act to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order.

PART VII.
—cont.

(4) Where permission for any development of land has been granted as mentioned in subsection (1) of this section, and permission for that development has also been granted under the Restriction of Ribbon Development Act, 1935, then, if the permission so granted under the said Act of 1935 was granted subject to conditions, those conditions shall be treated for the purposes of this section as conditions imposed by the permission granted under the interim development order.

75.—(1) Subject to the provisions of this section, where any works for the erection or alteration of a building have been begun but not completed before the appointed day, then, if immediately before that day those works could have been completed in conformity with the provisions of a planning scheme or of permission granted thereunder or in accordance with permission granted by or under an interim development order, and if any permission required under the Restriction of Ribbon Development Act, 1935, for the carrying out of those works was granted, planning permission shall, by virtue of this section, be deemed to be granted in respect of the completion of those works. Unfinished buildings.

(2) The permission deemed to be granted by virtue of this section shall be deemed to be so granted subject to any conditions applicable thereto, by or under the scheme or the permission granted by or under the interim development order, as the case may be, and to any conditions imposed by the permission granted under the Restriction of Ribbon Development Act, 1935, and shall include permission to use the building when erected or altered—

(a) where the purpose for which it could be so used was prescribed by or under the planning scheme or by the permission granted by or under the interim development order, as the case may be, for that purpose;

(b) in any other case, for the purpose for which the building, or the building as altered, is designed.

(3) The development value of land for the development of which permission is deemed to be granted by virtue of this section shall be calculated for the purposes of Part V of this Act as if that development had been completed immediately

PART VII.
—*cont.*

before the appointed day, and no development charge shall be payable in connection with that development.

(4) In relation to any such works as are mentioned in subsection (1) of this section, being works in respect of which permission was granted on or after the eleventh day of November, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this section shall have effect in substitution for the provisions of the last foregoing section.

Compensation
for abortive
expenditure
on refusal of
planning
permission for
other develop-
ment autho-
rised before
appointed day.

76.—(1) Where an application is made within six months after the appointed day for planning permission to complete or carry out any buildings or works begun or contracted for before that day, and that permission is refused by the Secretary of State, either on appeal or on the reference of the application to him for determination, or is so granted by him subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act it is shown—

- (a) that the buildings or works in question were begun or contracted for in conformity with the provisions of a planning scheme, or of permission granted thereunder, or in accordance with permission granted, at any time before the eleventh day of November, nineteen hundred and forty-three, by or under an interim development order; or
- (b) that the buildings or works in question were begun or contracted for at a time when no resolution to prepare or adopt such a scheme had taken effect; and
- (c) that the applicant has incurred expenditure in carrying out work which is rendered abortive by the refusal or conditions, or has entered into a contract for any work which is abandoned in consequence thereof,

that authority shall pay to the applicant compensation equal to the expenditure so incurred or, as the case may be, to any sum reasonably paid by him in the discharge of any liability arising under the contract in respect of the abandonment of the work.

(2) For the purposes of the last foregoing subsection, any expenditure incurred in the preparation of plans for the purposes of any work or upon any similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under the said subsection in respect of anything done for the purposes of any such buildings or works as are mentioned in paragraph (a) of subsection (1)

of this section if it was done before the following date, that
is to say—

PART VII.

—cont.

- (a) where the building or work was authorised by permission granted under a planning scheme or by or under an interim development order, the date on which permission was so granted;
- (b) where the building or work was otherwise begun or contracted for in conformity with a planning scheme, the date on which that scheme came into force.

(3) Any compensation payable under this section in respect of an interest in land shall be payable in addition to any compensation payable under Part II of this Act in respect of that interest in consequence of the refusal of the permission or the grant thereof subject to conditions:

Provided that no account shall be taken, in assessing the compensation payable as aforesaid under the said Part II (whether in respect of the compulsory acquisition of the said interest or otherwise), of the value of any works in respect of which compensation is payable under this section.

77.—(1) Where planning permission is granted in respect of any development consisting of the erection, extension or alteration of buildings, or is deemed by virtue of section seventy-four of this Act to be so granted, then if the Secretary of State is satisfied, on application made to him within one year after the appointed day or within such extended period as the Secretary of State may in any particular case allow—

Land ripe for development before the appointed day.

- (a) that the development values of interests in the land, as required to be ascertained in accordance with the provisions of Part V of this Act and without regard to the provisions of this section would be wholly or mainly attributable to the prospects of that development at the appointed day, and
- (b) that a building contract made in relation to that development within the period of ten years before the seventh day of January, nineteen hundred and forty-seven, was in force on the appointed day, or that an application for permission to build had been made in respect thereof within that period,

he shall certify accordingly:

Provided that if it appears to the Secretary of State that proceedings should be taken with a view to the revocation of the permission granted or deemed to be granted as aforesaid, he may postpone the issue of a certificate pending the taking of such proceedings, and if the permission is revoked he shall not be required to issue the certificate.

PART VII.

—cont.

(2) Where a certificate is issued under this section, then—

- (a) in calculating for the purpose of Part V of this Act the development value of any interest in the land to which the certificate relates, no account shall be taken of any value attributable to the prospects of the development specified in the certificate; and
- (b) no development charge shall be payable under Part VI of this Act in respect of that development if carried out within such period, if any, as may be prescribed by the certificate.

(3) For the purposes of this section—

- (a) the expression “ building contract ”, in relation to any development, means a contract made between a person for the time being interested in the land and any other person, under which that other person undertakes to carry out the whole or substantially the whole of the building operations to be carried out in the course of that development; and
- (b) the expression “ application for permission to build ”, in relation to any development, means the submission by a person for the time being interested in the land of plans of the buildings proposed to be erected, extended or altered in the course of the development to the proper local or other authority, in order to comply with the requirements of any enactment, byelaws, rules, regulations or other provisions under whatever authority made requiring plans to be so submitted or the consent of such authority to be obtained for the erection, extension or alteration of buildings.

Mineral
workings.

78.—(1) In relation to development consisting of the winning and working of minerals, the provisions of this Act shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury.

(2) Without prejudice to the generality of the foregoing provision, any such regulations as aforesaid may provide for securing—

- (a) that in the case of such land as may be prescribed by or under the regulations, no development charge shall be payable in respect of the winning and working of any minerals in the land during a period of three years after the appointed day;
- (b) that the restricted and the unrestricted values of any interest in such land as is mentioned in the foregoing paragraph shall be calculated for the purposes

PART VII.
—*cont.*

of Part V of this Act as if any operations carried out for the winning and working of minerals during the said period of three years had been carried out before the appointed day;

- (c) that the amount of any development charge payable in respect of the winning and working of minerals in accordance with planning permission granted or deemed to have been granted shall be calculated by reference to the amount of minerals got from time to time in accordance with such permission.

(3) Regulations made for the purpose of this section shall provide for securing—

- (a) that where a development charge is payable in respect of the winning and working of minerals comprised in a mining lease which was in force on the appointed day, the terms of the lease may be varied, by such tribunal as may be prescribed by the regulations, so far as may be just having regard to the amount of the charge;

- (b) that where a development charge is payable in respect of the winning and working of minerals authorised by an Order made under Part I of the Mines (Working Facilities and Support) Act, 1923, the provisions of the Order may be varied by the Railway and Canal Commission so far as may be just having regard to the amount of the charge.

13 & 14 Geo. 5.
c. 20.

(4) Where a development plan provides that any land is to be used for the purpose of securing the winning and working of any minerals comprised therein, then, without prejudice to the powers conferred by Part III of this Act in relation to land designated by such a plan as subject to compulsory acquisition, the provisions of the Mines (Working Facilities and Support) Act, 1923, shall have effect in relation to the land subject to such modifications as may be prescribed by regulations made under this Act by the Secretary of State and the Minister of Fuel and Power, and such regulations may in particular provide for securing—

- (a) that a right to work any minerals in the land may be granted by the Railway and Canal Commission under the said Act to any person who is desirous of working them, either by himself or through his lessees, and who is unable to obtain the necessary rights by agreement on reasonable terms;
- (b) that for the purposes of the determination by the Commission of an application for any such right, it shall be assumed that the winning and working of the minerals is expedient in the national interest; and

PART VII.
—*cont.*

(c) that the compensation or consideration in respect of any such right which is granted by the Commission shall be assessed having regard to the amount of the compensation which would be payable in respect of a compulsory acquisition of the minerals under Part III of this Act.

(5) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(6) The provisions of this section and of any regulations made thereunder shall not apply to the winning and working of any such minerals as are mentioned in paragraph 3 or paragraph 4 of Part II of the Third Schedule to this Act, or to the winning and working of any minerals vested in the National Coal Board, and nothing in this section shall be construed as affecting the prerogative right of His Majesty to any gold or silver mine.

Land held by
local
authorities for
general
statutory
purposes.

79.—(1) This section applies to land for the time being held by a local authority for the purposes of any of their functions as such, not being—

- (a) land to which the next following section applies;
- (b) land held by the local authority for the purpose of any statutory undertaking carried on by them; or
- (c) land of any class excepted from the provisions of this section by regulations made under this Act.

(2) No payment shall be made under Part V of this Act to a local authority in respect of any interest in land which on the appointed day, is land to which this section applies.

(3) In the case of land which, on the appointed day, was land to which this section applies, no development charge shall be payable in respect of any operations carried out on the land, or in respect of any use of the land, while the land remains land to which this section applies.

(4) If by reason of an appropriation, sale, feu or lease any land which on the appointed day was land to which this section applies ceases to be such land, no development charge shall be payable in respect of any development of the land for which planning permission had been granted at the time of the appropriation, sale, feu or lease.

(5) Where any land to which this section applies is compulsorily acquired under this or any other Act, in pursuance of a notice to treat served on or after the appointed day, then in assessing the compensation payable in respect of the acquisition, it shall be assumed—

- (a) that planning permission would be granted for any development by virtue of which the use of the land

would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and

PART VII
—cont.

- (b) that no development charge would be payable in respect of any such development.

80.—(1) No payment shall be made under Part V of this Act in respect of any interest in land, being—

Land acquired by local planning authorities and development corporations for comprehensive development or re-development.

- (a) the interest of a local planning authority in land acquired or appropriated by that authority under Part I of the Act of 1945 for the purposes of the development or redevelopment of any area as a whole; or
- (b) the interest of a development corporation in land acquired by the corporation under the New Towns Act, 1946,

and where a local planning authority or a development corporation have before the appointed day disposed of an interest in any such land, no payment shall be made under the said Part V in respect of that interest.

(2) No development charge shall be payable in respect of the following operations or uses of land, that is to say:—

- (a) any operations carried out by a local authority, being a local planning authority, on any such land as is mentioned in paragraph (a) of the foregoing subsection or on any land acquired or appropriated by that authority under Part III of this Act for the purposes of the development or redevelopment of any area as a whole, or any use by that authority of any such land as aforesaid;
- (b) any operations carried out by a development corporation on land acquired by the corporation under the New Towns Act, 1946, whether before or after the appointed day, or any use by a development corporation of any such land;

and where any such land as aforesaid has been disposed of by the local planning authority or development corporation, whether before or after the appointed day, no development charge shall be payable as aforesaid in respect of the carrying out of any operations on the land or the institution of any use of the land, for which planning permission had been granted at the time of the disposal, or, in the case of land disposed of before the appointed day, in respect of the carrying out of any operations on the land or the institution of any use of the land carried out or instituted in accordance with the terms of the deed by which the land was disposed of.

(3) In respect of any such operations or uses of land as are mentioned in the last foregoing subsection, the local planning authority or development corporation shall from time to time

PART VII.
—cont.

pay to the Central Land Board such sums, if any, in lieu of development charges, as the Secretary of State may, with the consent of the Treasury, determine:

Provided that the Secretary of State may, with the like consent, direct the Board to repay from time to time the whole or any part of any sums so paid.

(4) Any sums received by the Central Land Board under the last foregoing subsection shall be paid into the Exchequer, and any sums required by the Central Land Board for the repayment of sums so received shall be defrayed out of moneys provided by Parliament.

Operational
land of
statutory
undertakers.

81.—(1) No payment shall be made under Part V of this Act in respect of the interest of any statutory undertakers in land which, on the appointed day, is operational land.

(2) In the case of land which, on the appointed day, was operational land, no development charge shall be payable in respect of any operations carried out on the land by the statutory undertakers, or in respect of any use of the land by them, while the land remains operational land.

(3) Where any land which, on the appointed day, was operational land ceases at any time thereafter to be operational land, no development charge shall be payable in respect of—

- (a) the use of that land for the purpose which prevails generally in the case of contiguous or adjacent land,
- (b) the carrying out of any operations necessary for the purpose of making that use of that land,

if the use is instituted, or the operations carried out, as the case may be, within such period after the cessation as may be prescribed by regulations under this Act.

(4) Where any operational land of statutory undertakers is compulsorily acquired, under this or any other Act, in pursuance of a notice to treat served on or after the appointed day, then if the compensation payable in respect of the acquisition is assessed in accordance with section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, it shall be assumed—

- (a) that planning permission would be granted for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and
- (b) (whether or not the provisions of the last foregoing subsection are applicable to the land in question) that no development charge would be payable in respect of any such development.

82.—(1) This section applies to land an interest in which is held for charitable or ecclesiastical purposes of any description if the land, as distinct from the rents and profits thereof, is used in any manner (including use in a manner involving the beneficial occupation of the land by any person) for or in connection with the purposes for which the said interest is held, and not otherwise, or if the land would be so used but for the occurrence of war damage or but for the fact that the land is for the time being requisitioned land.

PART VII.

—*cont.*Land held for
charitable
purposes.

(2) No payment shall be made under Part V of this Act in respect of any such interest as aforesaid in land which, on the appointed day, is land to which this section applies; and no development charge shall be payable under Part VI of this Act in respect of any operations carried out on such land by the person entitled to any such interest for or in connection with the purposes for which that interest is held or in respect of any use of the land by that person for those purposes.

(3) Where any land which, on the appointed day, was land to which this section applies ceases at any time thereafter to be such land, no development charge shall be payable under Part VI of this Act in respect of any development by virtue of which the use of the land is made to correspond with the use which prevails generally in the case of contiguous or adjacent land, if planning permission for that development has been granted under Part II of this Act before the land ceases to be land to which this section applies.

(4) Where any such interest as is mentioned in subsection (1) of this section in land to which this section applies is compulsorily acquired under this or any other Act in pursuance of a notice to treat served on or after the appointed day, then if—

(a) the land was land to which this section applies on the appointed day; or

(b) the land is being used at the time of the notice to treat for a purpose of such a nature that there is no general demand or market for land for that purpose,

it shall be assumed, in assessing the compensation payable in respect of the acquisition of the said interest, that planning permission would be granted under Part II of this Act for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land, and that no development charge would be payable under Part VI of this Act in respect of any such development.

(5) If, upon application made to him at any time within three years after the appointed day, the Secretary of State is satisfied—

PART VII.
—cont.

- (a) that any interest in land was held on that day for charitable or ecclesiastical purposes of any description, but that the land was not then used in any such manner as is mentioned in subsection (1) of this section; and
- (b) that it is reasonable, having regard to any proposals for its future use, that the land should be treated for the purposes of this section as if it had been so used,

he may, if he thinks fit, direct that the foregoing provisions of this section shall have effect in relation to the land, so long as that interest is so held, as if the land were land to which this section applies and had been such land on the appointed day:

Provided that subsection (3) of this section shall not apply by virtue of any such direction if the interest in question ceases to be held for charitable or ecclesiastical purposes before the land has been actually used in the manner aforesaid.

(6) For the purposes of subsection (1) of this section any interest in land which is held by the National Trust for Scotland shall be deemed to be used for the purposes for which that interest is held, and not otherwise, if, and only if, that interest is held by the Trust inalienably.

Crown Land.

83.—(1) In this and the next following section the expression “Crown land” means land an interest in which belongs to His Majesty in right of the Crown and land an interest in which belongs to a government department or is held in trust for His Majesty for the purposes of a government department.

(2) Notwithstanding any interest of the Crown in land being Crown land as defined by this section but subject to the following provisions of this section,—

- (a) a development plan may include proposals relating to the use of the land and may designate the land as subject to compulsory acquisition, and any power to acquire land compulsorily under Part III of this Act may be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown;
- (b) any restrictions and powers imposed and conferred by Part II of this Act shall apply and be exercisable in relation to the land, to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown, and the provisions of that Part, and of Parts V, VI and VII of this Act shall have effect accordingly.

(3) Except with the consent of the appropriate authority as defined by this section—

PART VII.
—cont.

- (a) no notice or order shall be served or made under section twenty-one, twenty-four, twenty-six, twenty-seven or thirty-one of this Act (or under any of those provisions as applied by any order or regulations made under Part II of this Act) in relation to land which for the time being is Crown land;
- (b) no building which is for the time being Crown land shall be included in any list compiled or approved under section twenty-eight of this Act;
- (c) no interest in land which is for the time being Crown land shall be acquired compulsorily under Part III of this Act.

(4) No purchase notice shall be served under section eventeen of this Act in relation to any interest in Crown land unless an offer has been previously made by the owner of that interest to dispose thereof to the appropriate authority on terms that the price payable therefor shall be equal to and shall be determined, in default of agreement, in like manner as the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.

(5) No notice shall at any time be served under section twenty-one of this Act in respect of development carried out by or on behalf of the Crown after the appointed day on land which was Crown land at the time when the development was carried out.

(6) For the purposes of this and the next following section, the expression "the appropriate authority", in relation to any land, means—

- (a) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other government department having the management of the land in question; and
- (b) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

84.—The appropriate authority and the local planning authority for the district in which any Crown land is situated may make agreements for securing the use of the land, so far as may be prescribed by any such agreement, in conformity with the provisions of the development plan applicable thereto

Agreements
and
arrangements
relating to
Crown land.

PART VII.
—cont.

(or, during any period before such a plan has become operative with respect to the land, in conformity with the requirements of the proper planning of that district), and any such agreement may contain such consequential provisions, including provisions of a financial character, as may appear to be necessary or expedient having regard to the purposes of the agreement:

Provided that—

- (a) an agreement made under this section by the Commissioners of Crown Lands or by any government department shall be of no effect unless it is approved by the Treasury; and
- (b) in considering whether to make or approve an agreement under this section relating to land belonging to a government department, or held in trust for His Majesty for the purposes of a government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

Requisitioned
land.

85.—(1) For the purposes of Part V of this Act, the development value of any interest in land which is requisitioned land on the appointed day shall be calculated as if the land had been on that day in the state in which it was immediately before the beginning of the period of requisition, and accordingly, in relation to any such interest, the second reference to the appointed day in subsection (5) of section fifty-eight of this Act, and any reference to that day in the Third Schedule to this Act, shall be construed as a reference to the beginning of the period of requisition:

Provided that—

- (a) where a payment in respect of the value of any buildings or works erected or constructed on the land during the period of requisition has been or is required to be made to a Minister by any person interested in the land in pursuance of an agreement made between them or where any such buildings or works were otherwise erected or constructed wholly or partly at the expense of any such person, those buildings or works shall be treated for the purposes of this subsection as having been erected or constructed immediately before the beginning of the period of requisition; and
- (b) in calculating the development value of any interest in the land, such adjustments as may be appropriate shall be made in respect of any development carried out during the period of requisition, being development in respect of which compensation is payable

under the Compensation (Defence) Act, 1939, or under regulations made under the Emergency Powers (Defence) Act, 1939.

PART VII.
—cont.
2 & 3 Geo. 6.
c. 62.

(2) Where any payment falls to be made under section fifty-five of this Act in respect of any interest in land which is requisitioned land on the appointed day, any payment in respect of the value of any works on the land made to a Minister under Part II of the Requisitioned Land and War Works Act, 1945, in pursuance of a report of the War Works Commission, may include such sum as that Commission may think just, not exceeding the amount of the payment to be made under the said section fifty-five, in respect of any increase in the value of the interest in the land which is attributable to the carrying out of the works.

(3) In this section the expression " requisitioned land " means land of which possession has been taken on behalf of His Majesty in the exercise or purported exercise of emergency powers (that is to say powers conferred by regulations made under the Emergency Powers (Defence) Act, 1939, by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, or exercisable by virtue of the prerogative of the Crown); and the expression " period of requisition " in relation to requisitioned land means the period during which possession of the land under such powers taken as aforesaid continues.

26 & 27 Vict.
c. 112.
10 & 11 Geo. 5.
c. 80.

86.—(1) Regulations made under this Act by the Secretary of State and the Minister of Fuel and Power with the consent of the Treasury may direct that any of the provisions of this Act relating to statutory undertakers and to land of such undertakers shall apply, subject to such adaptations, modifications and exceptions as may be specified in the regulations, in relation to the National Coal Board, and in relation to land (including mines) of that Board of any such class as may be specified in the regulations, as if the Board were statutory undertakers and as if the land of any class so specified were operational land within the meaning of this Act.

Property of
National Coal
Board.

(2) Without prejudice to the generality of the foregoing subsection, any regulations made for the purposes of that subsection may in particular provide that any compensation payable to the National Coal Board by virtue of any of the provisions applied by those regulations, being compensation which, in the case of statutory undertakers, would be assessable in accordance with the provisions of the Fourth Schedule to the Act of 1945, shall, in lieu of being so assessed, be assessed in accordance with the provisions of the regulations.

PART VII.

—*cont.*Land acquired
by notice
to treat
served before
appointed day.

87.—(1) Where any interest in land is compulsorily acquired on or after the appointed day by any authority or person in pursuance of a notice to treat served before the passing of this Act, the provisions of this Act and of any scheme made under Part V of this Act shall apply in relation to that interest as if the purchase had been completed immediately before the appointed day.

(2) Where any interest in land is compulsorily acquired before the appointed day by any government department or local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, in pursuance of a notice to treat served after the passing of this Act, then—

- (a) the provisions of Part V of this Act and of any scheme made thereunder shall have effect in relation to the land as if that interest had been subsisting on the appointed day with all incidents to which it was subject immediately before the date of the notice to treat, as if the land had been on the appointed day in the same state as it was immediately before the date of the notice to treat, and as if the person who was entitled thereto immediately before the date of the notice to treat had been entitled thereto on the appointed day; and
- (b) except as aforesaid, no payment shall be made under the said Part V in respect of the interest so acquired, or in respect of any interest derived therefrom; and
- (c) subject as hereinafter provided, nothing in this Part of this Act shall be construed as exempting from the payment of a development charge any operations carried out on the land by the person entitled to any such interest, or any use of the land by any such person:

Provided that paragraph (c) of this subsection shall not apply to any operations or uses of land which are exempted from the payment of a development charge by virtue of any of the provisions of section eighty of this Act.

(3) Where any interest in land is compulsorily acquired (whether before, on or after the appointed day) in pursuance of a notice to treat served after the passing of this Act, then—

- (a) where the compensation payable in respect thereof falls to be calculated in accordance with any of the provisions of sections forty-nine to fifty-one of this Act, that provision shall apply, subject to any

necessary modifications, for the purpose of calculating under Part V of this Act the restricted and the unrestricted values of that interest,

PART VII.
—*cont.*

- (b) where the compensation so payable falls to be assessed in accordance with Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by subsection (2) of section fifty-three of this Act, the provisions of the said Rule (5), as so amended, shall apply, subject to any necessary modifications, for the purpose of calculating under the said Part V the restricted value of that interest;

and any calculation of those values previously made under the said Part V shall be adjusted accordingly.

(4) Subject as hereinafter provided, the foregoing provisions of this section shall apply where an interest in land is acquired by agreement by any authority or person who have power or could be authorised to acquire that interest compulsorily under any enactment, as they apply where an interest in land is compulsorily acquired, and in relation to any such acquisition any reference in those provisions to the service of notice to treat shall be construed as a reference to the making of the contract, and the reference in the last foregoing subsection to compensation payable in respect of the compulsory acquisition shall be construed as a reference to the compensation which would be so payable if the land were compulsorily acquired:

Provided that—

- (a) the provisions of section fifty of this Act shall not apply for the purpose of calculating the restricted and the unrestricted values of any interest acquired as aforesaid except in the cases provided by subsection (2) of that section, or by that section as extended by subsection (1) of section fifty-two of this Act;
- (b) the provisions of Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by subsection (2) of section fifty-three of this Act, shall not apply for the purpose of calculating the restricted value of any interest acquired as aforesaid except in the cases provided by subsection (3) of the said section fifty-three; and

PART VII.
—cont.

- (c) where any interest in land is acquired as aforesaid before the appointed day in pursuance of a contract made after the passing of this Act, the contract may provide that subsections (2) and (3) of this section shall not apply.

Determination
of questions
under Part VI.

88. Any question whether land is land to which section seventy-nine, eighty or eighty-two of this Act applies shall be determined by the Secretary of State:

Provided that, before determining under this section any question whether any land is land to which section eighty-two of this Act applies, the Secretary of State may, and shall if the Court of Session so requires, state a case for the opinion of the Court of Session on the question whether an interest in that land is held for ecclesiastical or charitable purposes.

PART VIII.

FINANCES OF LOCAL PLANNING AUTHORITIES.

Exchequer
grants to
local planning
authorities in
respect of
acquisition
and clearance
of land in re-
development
areas.

89.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Secretary of State to local planning authorities of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities, in the exercise of powers conferred in that behalf by this Act, in connection with the acquisition and clearing of land approved by the Secretary of State for the purposes of the regulations, being land acquired for the re-development as a whole of areas of extensive war damage or areas of bad layout or obsolete development, or for the relocation of population or industry, or the replacement of open space, in the course of such re-development, or derelict land acquired for the purpose of bringing it into use.

(2) For the purposes of this section, any expenditure incurred by a local planning authority before the passing of this Act, under powers in that behalf conferred by the Act of 1945, in the acquisition or clearing of any such land as is mentioned in the foregoing subsection shall be treated as incurred in the exercise of the corresponding powers conferred in that behalf by this Act, and no grant shall be payable under the Act of 1945 in respect of the acquisition or clearing of any such land.

(3) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local planning authorities (whether before or after the passing of this Act) for any of the purposes specified in subsection (1) of this section as

if the land had been acquired for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

PART VIII.
—*cont.*

(4) Without prejudice to the generality of the foregoing provisions of this section, any regulations made thereunder may provide—

(a) for the inclusion in the expenditure incurred by local planning authorities in the acquisition of land for any of the purposes specified in subsection (1) of this section of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);

(b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local planning authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;

(c) for the payment of such grants at different rates in respect of different parts of the period during which they are payable;

(d) for the payment of such grants at different rates to different local planning authorities according to the general financial position of those authorities respectively, and to the financial burdens assumed by them respectively in respect of the matters specified in subsection (1) of this section.

(5) Grants payable under regulations made for the purposes of this section shall not exceed the following amounts:—

(a) in the case of land acquired or appropriated for the re-development as a whole of areas of extensive war damage, or for the relocation of population or industry or the replacement of open space in the course of such re-development, an amount equal to ninety per cent. of the annual costs incurred or treated as being incurred by local planning authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;

(b) in the case of any other land, an amount equal to eighty per cent. of the said annual costs.

(6) Any expenses incurred by the Secretary of State in the making of grants in accordance with regulations made for the

PART VIII.
—cont.

purposes of this section shall be defrayed out of moneys provided by Parliament.

Other
Exchequer
grants to
local planning
authorities.

90.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Secretary of State to local planning authorities of grants of such amounts, and payable in such cases and subject to such conditions, as may be determined by or under the regulations—

- (a) in respect of expenditure incurred by those authorities in the payment of compensation under Part II, Part VI or Part VII of this Act, other than compensation payable in respect of land compulsorily acquired by virtue of section seventeen of this Act or in taking any action under section twenty-four of this Act;
- (b) in respect of loss incurred by those authorities in connection with the acquisition and clearing of land approved by the Secretary of State for the purposes of the regulations, including land compulsorily acquired by virtue of the said section seventeen, but excluding any such land as is mentioned in subsection (1) of the last foregoing section.

(2) Paragraphs (a), (b) and (d) of subsection (4) and subsection (6) of the last foregoing section shall apply in relation to regulations made under this section and to expenses incurred by the Secretary of State in the making of grants under such regulations as they apply in relation to regulations made under the last foregoing section and to expenses incurred by the Secretary of State in the making of grants under those regulations.

(3) Grants payable under regulations made for the purposes of this section shall not exceed an amount equal to fifty per cent. of the amount of the expenditure or loss in respect of which the grants are made.

General
provisions as
to Exchequer
grants to
local planning
authorities.

91.—(1) It shall be a condition of the making of grants under regulations made for the purposes of section eighty-nine of this Act, in respect of expenditure incurred by a local planning authority in connection with the acquisition and clearing of any land—

- (a) that there shall have been submitted to the Secretary of State such information as to the proposals of the local planning authority for the lay-out and redevelopment of the land as the Secretary of State may require in order to enable a comparison to be made between the annual return to the authority from the carrying out of the redevelopment and the annual equivalent of the cost thereof; and

(b) that those proposals shall have been approved by the Secretary of State with the consent of the Treasury as being likely to result in an annual return and an annual equivalent such as are mentioned in the foregoing paragraph which are reasonable in relation to one another having regard to the circumstances of the land and the requirements of a proper lay-out and redevelopment.

PART VIII.
—*cont.*

(2) Any approval of the Secretary of State required for the purposes of the payment of grant under section eighty-nine or section ninety of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Secretary of State for securing that any negotiations for the acquisition of the land by the local planning authority will be carried out by the Valuation Office, and that any valuation of such land for the purposes of such acquisition, or for any purposes of the regulations, will be made by that Office.

(3) Subject to the foregoing provisions of this section any regulations made for the purposes of either of the two last foregoing sections may make provision whereby the payment of grants in pursuance of the regulations is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations, and may also make provision for requiring local planning authorities to whom grants have been so made to comply with such requirements as may be so determined.

92.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Secretary of State to local authorities who were interim development authorities for the purposes of the Act of 1932 of grants of such amounts, and payable in such cases, as may be determined by or under the regulations in respect of expenditure incurred by those authorities—

Grants in
respect of
certain com-
pensation paid
before
appointed day.

(a) in the payment of contributions under subsection (4) of section ten of the Act of 1932 in connection with applications for permission to develop land dealt with after the eleventh day of May, nineteen hundred and forty-three,

(b) in the payment of contributions under the said subsection (4) as applied by section four of the Town and Country Planning (Interim Development) (Scotland) Act, 1943, or of compensation under subsection (2) of section seven of that Act, in respect of the revocation or modification, after the date aforesaid, of any permission to develop land, whether granted before or after that date,

PART VIII.
—cont.

being contributions or compensation payable in respect of loss or damage which operated to reduce the development value on the appointed day of any interest in the land.

(2) The reference in the foregoing subsection to local authorities who were interim development authorities for the purposes of the Act of 1932 shall be construed as including a reference to local authorities being the constituent authorities of a joint committee who were such an interim development authority, and in relation to any such local authority the reference in that subsection to expenditure incurred by that authority shall be construed as a reference to expenditure incurred by the joint committee.

(3) Any expenses incurred by the Secretary of State in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.

Power of
Ministers to
contribute
towards
compensation
paid by local
authorities.

93. Where compensation is payable by a local authority under this Act in consequence of any decision or order given or made under Part II of this Act (including compensation payable in respect of land compulsorily acquired by virtue of section seventeen of this Act) then, if that decision or order was given or made wholly or partly in the interest of any service which is provided by a government department and the cost of which is defrayed out of moneys provided by Parliament or out of the Road Fund, the Minister responsible for the administration of that service may pay to that authority, out of moneys so provided, a contribution of such amount as he may, with the consent of the Treasury, determine.

Power of
local
authorities
and statutory
undertakers
to contribute
towards
expenses of
local planning
authorities,
etc.

94.—(1) Any local authority and any statutory undertakers may contribute towards—

- (a) any expenses incurred by a local planning authority in or in connection with the carrying out of a survey or the preparation of a development plan under Part II of this Act;
- (b) any expenses incurred by a local planning authority in or in connection with the performance of any of their other functions under Part II or Part III of this Act.

(2) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint planning committee or joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.

95.—(1) Any expenses incurred by a local highway authority under this Act shall be defrayed in like manner as expenses incurred by the authority on highways.

PART VIII.

—*cont.*Expenses of,
and borrowing
by, local
authorities.

(2) Any expenses incurred by a local authority in pursuance of a purchase notice served under section seventeen of this Act or in the acquisition of land under section thirty-four of this Act, for the purposes of any function of that authority, shall be defrayed in like manner as other expenses incurred by that authority for the purposes of that function.

(3) A local authority may borrow for the purposes of this Act in accordance with the provisions of Part XII of the Local Government (Scotland) Act, 1947.

(4) Nothing in this section shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, of any Defence Regulation within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act, and of any orders for the time being in force, made by the Treasury under section one of the Borrowing (Control and Guarantees) Act, 1946.

8 & 9 Geo. 6.

c. 18.

9 & 10 Geo. 6.

c. 10.

9 & 10 Geo. 6.

c. 58.

PART IX

SUPPLEMENTAL.

Supplementary provisions as to local planning authorities.

96.—(1) If it appears to the Secretary of State after consultation with the local planning authority to be expedient that an enforcement notice should be served under section twenty-one of this Act, or under that section as applied by any order or regulations under Part II of this Act, or that a notice should be served under section thirty-one of this Act, in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice, and any notice so served by the Secretary of State shall have the like effect as a notice served by the local planning authority:

Default powers
of Secretary
of State.

Provided that in relation to an enforcement notice so served by the Secretary of State, section twenty-two of this Act shall have effect as if for any reference therein to the local planning authority there were substituted a reference to the Secretary of State.

PART IX.
—cont.

(2) If it appears to the Secretary of State, after consultation with the local planning authority, to be expedient that any of the following orders should be made under Part II of this Act, that is to say:—

- (a) an order under section nineteen of this Act revoking or modifying any permission to develop land,
- (b) an order under the said section nineteen as applied by any order or regulations under Part II of this Act,
- (c) an order under section twenty-four of this Act requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed,
- (d) a tree preservation order, or an order amending or revoking a tree preservation order, or
- (e) a building preservation order, or an order amending or revoking a building preservation order,

he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order, and any order so made by the Secretary of State shall have the like effect as if it had been made by the local planning authority and confirmed by the Secretary of State under Part II of this Act.

(3) In relation to the making by the Secretary of State of any order under the last foregoing subsection, the provisions of Part II of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission of such an order by the local planning authority, the confirmation thereof by the Secretary of State, and the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Secretary of State to make the order, to the making thereof by the Secretary of State and to the service of copies thereof as so made.

(4) If the Secretary of State is satisfied, after holding a local inquiry—

- (a) that a local planning authority have failed to take steps for the acquisition of any land which in the opinion of the Secretary of State ought to be acquired by them under section thirty-five of this Act for the purpose of securing its use in the manner proposed by the development plan or, during the period before a development plan has become operative under this

Act with respect to the district of that authority, for the purpose of securing the proper planning of that district, or

PART IX.
—*cont.*

- (b) that any local planning authority have failed to carry out, on land acquired by them under the said section thirty-five, or appropriated by them under section thirty-nine of this Act, any development which in the opinion of the Secretary of State ought to be carried out,

the Secretary of State may by order require the authority to take such steps as may be specified in the order for acquiring the land or carrying out the development, as the case may be.

(5) Any order under the last foregoing subsection shall be enforceable, on the application of the Secretary of State, by proceedings under section ninety-one of the Court of Session Act, 1868. 31 & 32 Vict.
c. 100.

97.—(1) If at any time the Secretary of State considers it expedient in the public interest that the functions under this Act of a local planning authority being the town council of a small burgh should be transferred to the county council of the county within which that burgh is situated, he may by order transfer those functions to the county council, and where any such functions are so transferred any reference in this Act to the local planning authority shall in relation to the district of the small burgh be construed as a reference to the county council.

Power to transfer planning functions of town councils of small burghs to county councils.

(2) An order under the foregoing subsection may make provision for such incidental and consequential matters as the Secretary of State may think fit, including the transfer to the county council of officers, property, rights and liabilities of the town council and the compensation of officers.

98.—(1) An application to a local planning authority for planning permission under Part II of this Act, and an application to the Central Land Board for the making or confirmation of any determination under Part VI of this Act, shall be made in such manner as may be prescribed by regulations under this Act and shall include such particulars and shall be verified by such evidence as may be required by the regulations or by any directions given by the local planning authority or the Board thereunder.

Applications for planning permission, determination of development charges, &c.

(2) Subject to the following provisions of this section, regulations made under this Act may provide for the combination in one document of—

- (a) an application for planning permission in respect of any development;

PART IX.
—cont.

- (b) an application for a determination of the Central Land Board in respect of that development;
- (c) any application or submission required to be made to a local authority in respect of that development under any enactment specified in the regulations;

and for the making of any such combined application in such form and manner and to such authority as may be prescribed by the regulations, and for the transmission of copies of the application by that authority to such other authorities or persons as may be so prescribed.

(3) Any regulations made for the purposes of the last foregoing subsection shall be made by the Secretary of State after consultation with such associations of local authorities as appear to him to be concerned; and different provision may be made by such regulations in relation to areas in which different enactments are in force.

(4) An application or submission required to be made to a local authority under any enactment specified in regulations made under subsection (2) of this section shall, if made in accordance with the provisions of the regulations, be deemed to be valid notwithstanding anything in that enactment prescribing or enabling any authority to prescribe the form in which or the manner in which such an application or submission is to be made, but without prejudice to the validity of any application or submission made in accordance with that enactment, and without prejudice to any provision of that enactment enabling any such authority to require further particulars of the matters to which the application or submission relates.

General Provisions.

Powers of
entry.

99.—(1) Any person duly authorised in writing by the Secretary of State or by a local planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it in connection with—

- (a) the preparation, approval, making or amendment of a development plan relating to the land, including the carrying out of any survey under Part II of this Act;
- (b) any application under the said Part II, or under any order or regulations made thereunder, for any permission, consent or determination to be given or effected in relation to that or any other land under the said Part II or under any such order or regulations;

- (c) any proposal by the local planning authority or by the Secretary of State to serve or make any notice or order under the said Part II or under any such order or regulations as aforesaid;

PART IX.
—cont.

and any person being an officer of the Valuation Office or a person duly authorised in writing by a local planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any claim for compensation payable by that authority in respect of that or any other land under Part II or Part VII of this Act.

(2) Any officer of the Valuation Office, or any person duly authorised in writing by a Minister having power to acquire land designated by a development plan under this Act as subject to compulsory acquisition or to authorise the acquisition of land so designated, and any person being an officer of the Central Land Board or a person duly authorised in writing by a local authority having power to acquire land under Part III of this Act, may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any proposal to acquire that or any other land or in connection with any claim for compensation in respect of any such acquisition.

(3) Any officer of the Valuation Office or of the Central Land Board may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with—

- (a) any claim for a payment in respect of that or any other land under Part V of this Act;
- (b) any determination of the Board in respect of that or any other land under Part VI of this Act.

(4) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(5) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

(6) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of his duty

PART IX.
—*cont.*

in connection with the survey or estimate for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(7) Where any land is damaged in the exercise of a power of entry conferred under this section or in the making of any survey for the purpose of which any such power of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Minister, Board or authority on whose behalf the entry was effected.

(8) Any expenses incurred by a Minister or the Central Land Board under the last foregoing subsection shall be defrayed out of moneys provided by Parliament.

(9) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention so to do has been included in the notice required by subsection (4) of this section, and if the land in question is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

Local
inquiries, etc.

100.—(1) The provisions of section fifty of the Act of 1945 (which relate to local inquiries) shall be incorporated with this Act, subject to the amendments specified in the second column of the Eighth Schedule to this Act.

(2) Any inquiry in relation to an order under this Act which in certain events becomes subject to special parliamentary procedure, and any hearing in connection with an appeal against the refusal, or the grant subject to conditions, of an application by statutory undertakers for permission to develop operational land, or with any such application made by such undertakers and referred to the Secretary of State, or with the revocation or modification of permission to develop operational land granted to such undertakers, shall, if the Ministers concerned so direct, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936; and any direction so given shall be deemed to have been given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945.

26 Geo. 5. &
1 Edw. 8.
c. 52.

(3) Paragraphs 4 and 5 of the First Schedule to the Act of 1945 shall not apply in relation to any order under this Act which in certain events becomes subject to special parliamentary procedure.

(4) Nothing in subsections (2) to (9) of section fifty of the Act of 1945 shall apply to any inquiry under this section by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936.

101.—(1) Subject to the provisions of this section any notice or other document required or authorised to be served or given under this Act may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address; or
- (c) by sending it in a registered letter addressed to that person at his usual or last known place of abode, or in a case in which an address for service has been furnished by that person, at that address; or
- (d) in the case of a person on whom the notice is required to be served as being a person appearing from the valuation roll to have an interest in land, by sending it in a registered letter addressed to that person at his address as entered in the valuation roll; or
- (e) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a registered letter addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if—

- (a) being addressed to him either by name or by the description of "the owner", "the lessee" or "the occupier", as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of the last foregoing subsection; or

PART IX.
—*cont.*

(b) being addressed as aforesaid and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent in a registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in or being occupiers of premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished that authority with an address for the service of the notice on him) if it is addressed to "the owners and any lessees and occupiers" of that part of the land (describing it), and is affixed conspicuously to some object on the land.

Power to
require
information as
to ownership
of land.

102. The Secretary of State, the Central Land Board or a local authority may, for the purpose of enabling them to make any order or serve any notice or other document which they are by this Act authorised or required to make or serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as superior, owner, heritable creditor, lessee or otherwise; and any person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Expenses of
tribunals, etc.

103.—(1) The Secretary of State may pay to the chairman and members of any tribunal established for the purposes of this Act, or of regulations made thereunder, such remuneration (whether by way of salaries or by way of fees) and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.

(2) Any expenditure incurred by the Secretary of State under the last foregoing subsection, or in the payment of the expenses of any committee established under section twenty-nine of this Act, shall be defrayed out of moneys provided by Parliament.

104. There shall be paid out of moneys provided by Parliament—

PART IX.
—cont.
Expenses of
Ministers.

- (a) any expenses incurred by a Minister in the acquisition of land under Part III of this Act, other than expenses so incurred which are required to be defrayed out of the Road Fund;
- (b) any sums payable into the Road Fund for the purpose of defraying expenses of the Minister of Transport under this Act;
- (c) any sums authorised or required to be paid out of moneys provided by Parliament by virtue of any of the provisions of the Act of 1945 incorporated with Part III of this Act;
- (d) any administrative expenses incurred by the Secretary of State for the purposes of this Act.

105.—(1) Except so far as may be otherwise provided by or under this Act, any question of disputed compensation under this Act (other than compensation payable in respect of the compulsory acquisition of land) shall be determined in the same manner as compensation on the acquisition of land falls to be determined under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections one, three, five, six and eight of that Act shall accordingly have effect subject to any necessary modifications.

Determination
of disputes as
to compensation,
etc.

(2) Any dispute arising under any provisions of this Act in relation to any land as to what is the use which prevails generally in the case of contiguous or adjacent land shall, if application in that behalf is made by any party to the dispute within such time and in such manner as may be prescribed by regulations made under this Act, be referred to and determined by the Central Land Board.

(3) Any party to any such dispute as aforesaid who is dissatisfied with the determination of the Central Land Board may, within such time and in such manner as may be prescribed by regulations made under this Act, appeal to the Secretary of State, whose decision shall be final.

106. On appointing a person to be a member of the panel of official arbiters formed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, the Reference Committee may make it a condition of his appointment that while holding office he shall not himself engage, or be a partner of any other person who engages, in private practice or business.

Appointment
of arbiters
under 9 & 10
Geo. 5. c. 57.

PART IX.
—*cont.*
**Regulations
and orders.**

107.—(1) The Secretary of State may make regulations under this Act—

- (a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority;
- (b) for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which such regulations are authorised or required to be made by any other Minister, and in particular for prescribing anything which by this Act is required or authorised to be prescribed by regulations.

(2) Any regulations made under this Act (other than regulations which, by virtue of any provision of this Act, are of no effect unless they are approved by resolution of each House of Parliament) shall be laid before Parliament immediately after they are made, and if either House, within the period of forty days after the regulations are so laid before it, resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

(3) In reckoning for the purposes of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) Any power to make an order conferred by the foregoing provisions of this Act shall include power to amend or revoke that order by a subsequent order made in like manner:

Provided that an order made by the Secretary of State for the purposes of paragraph 5 of Part II of the Third Schedule to this Act shall not be amended or revoked at any time after the appointed day.

**Assumptions
as to planning
permission.**

108.—(1) For the avoidance of doubt it is hereby declared that where, under any provision of this Act, the value of any interest in land is required to be assessed on the assumption that planning permission would be granted for development of any class specified in the Third Schedule to this Act, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.

(2) For the purposes of paragraph 1 of Part II of the said Third Schedule, the erection on land within the curtilage of any such building as is mentioned in that paragraph of

an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and where on the appointed day any two or more buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking, the reference in the said paragraph 1 to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.

(3) Any reference in the said Third Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.

109.—(1) Subject to the provisions of this section, the enactments specified in the first column of the Eighth Schedule to this Act shall have effect, on and after the appointed day, subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

Amendments
and repeals.

(2) Subject to the provisions of this section, the enactments specified in the Ninth Schedule to this Act are hereby repealed, in the case of enactments specified in Part I of that Schedule as from the passing of this Act, and in the case of the enactments specified in Part II of that Schedule as from the appointed day, to the extent specified in relation thereto in the third column of that Schedule:

Provided that the repeal by virtue of this subsection of any enactment specified in Part I of the said Ninth Schedule shall not affect the operation of that enactment in its application to compensation in respect of land compulsorily acquired in pursuance of a notice to treat served before the date of the passing of this Act or compensation in respect of any order or direction made or given before that date.

(3) The repeal or amendment by virtue of this Act of any enactment contained in Part I or Part III of the Act of 1945, other than an enactment specified in Part I of the Ninth Schedule to this Act, shall not affect the operation of that enactment as applied by the New Towns Act, 1946, but without prejudice to any amendment of the last mentioned Act effected by this Act.

(4) His Majesty may by Order in Council repeal or modify so much of any local enactment in force on the appointed day as confers any such powers or imposes any such prohibitions or restrictions as could be conferred or imposed by regulations made under section twenty-nine of this Act:

Provided that any Order in Council made under this subsection shall be subject to special parliamentary procedure.

PART IX.
—cont.

PART IX.

—cont.

52 & 53 Vict.
c. 63.

(5) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the provisions of the Tenth Schedule to this Act (being transitory and consequential provisions) shall have effect in relation to the repeals effected by this section.

(6) In accordance with the foregoing provisions of this section the Act of 1945 shall have effect on and after the appointed day as set out in the Eleventh Schedule to this Act.

Exercise of
functions of
Board of
Trade.

110. Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

Saving for
Postmaster
General.

111.—(1) Subject to the provisions of this section, and to the provisions of subsection (4) of section twenty-two of the Act of 1945 as incorporated with this Act, nothing in this Act or in any order or regulations made thereunder shall affect any powers or duties of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1943, or apply to any telegraphic lines placed or maintained by virtue of any of those provisions.

(2) Where in pursuance of an order made by the Minister of Transport under section forty-six of this Act any highway is stopped up or diverted and, immediately before the date on which the order became operative, there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the order had not become operative:

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

41 & 42 Vict.
c. 76

(3) Where any order made under the said section forty-six provides for the improvement of any highway, not being a trunk road, and, immediately before the date on which the order became operative, there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section seven shall apply to the alteration and accordingly shall have effect,

subject to any necessary modifications, as if references therein to undertakers included references to the local highway authority.

PART IX.
—cont.

(4) In this section the expressions “alter” and “telegraphic line” have the same meanings as in the Telegraph Act, 1878.

112.—(1) For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of this Act, or by any local Act passed at any time during the present Session of Parliament, for authorising or regulating any development of the land.

Application
to land
regulated by
special
enactments.

(2) Without prejudice to the generality of the foregoing provision, references in any enactment contained in a local Act (including any such Act passed as aforesaid) to Part II of the Act of 1945 shall be construed—

- (a) in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a notice to treat served before the passing of this Act, as a reference to the said Part II as amended by this Act;
- (b) in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a notice to treat served after the passing of this Act, as a reference to Part IV of this Act:

Provided that no such enactment shall, by virtue of this subsection, be construed as excluding the application of the said Part IV in relation to compensation payable in respect of any compulsory acquisition of land.

113.—(1) In this Act, except so far as the contrary is provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

Interpretation.

“Act of 1932” means the Town and Country Planning (Scotland) Act, 1932; 22 & 23 Geo. 5.
c. 49.

“Act of 1945” means the Town and Country Planning (Scotland) Act, 1945; 8 & 9 Geo. 6.
c. 33.

“advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and

PART IX.
—*cont.*

employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

“ agriculture ” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “ agricultural ” shall be construed accordingly;

“ appointed day ” means such day as the Secretary of State may by order appoint;

“ appropriate Minister ” means—

(a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Fuel and Power;

(b) in relation to the undertaking of the North of Scotland Hydro-Electricity Board, the Secretary of State;

(c) in relation to statutory undertakers carrying on an undertaking for the supply of water, the Secretary of State; and

(d) in relation to any other statutory undertakers as defined by this Act, the Minister of Transport;

“ area of extensive war damage ” and “ area of bad lay-out or obsolete development ” mean an area consisting of land shown to the satisfaction of the Secretary of State to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, or consisting of such land together with other land contiguous or adjacent thereto, being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development;

“ building ” includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

“ buildings or works ” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

“ building operations ” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;

“ building preservation order ” has the meaning assigned to it by section twenty-seven of this Act;

“ clearing ”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed by regulations made for the purposes of this Act;

“ common ” includes any town or village green and “ open space ” means any land laid out as a public garden or used for the purposes of public recreation or land being a disused burial ground;

“ Consolidated Fund ” means the Consolidated Fund of the United Kingdom, and includes the growing produce thereof;

“ development ” has the meaning assigned to it by section ten of this Act, and “ develop ” shall be construed accordingly;

“ development charge ” means the development charge payable under Part VI of this Act;

“ development order ” has the meaning assigned to it by section eleven of this Act;

“ development plan ” has the meaning assigned to it by section three of this Act, and includes a plan made under subsection (5) of that section;

“ enactment ” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

“ engineering operations ” includes the formation or laying out of means of access to highways;

“ erection ” in relation to buildings includes extension, alteration and re-erection;

PART IX.
—cont.

“ feu charter ” includes a feu contract and any other instrument by which land is feued;
 “ functions ” includes powers and duties;
 “ government department ” includes the Electricity Commissioners;

“ heritable security ” means—

14 & 15 Geo. 5.
c. 27.

(a) a heritable security within the meaning of the Conveyancing (Scotland) Act, 1924, exclusive of a security by way of ground annual and a real burden *ad factum praestandum* but inclusive of a security constituted by way of *ex facie* absolute disposition; or

(b) an assignment in security of a lease recorded under the Registration of Leases (Scotland) Act, 1857;

and the expression “ heritable creditor ” shall be construed accordingly;

“ improvement ” in relation to a highway has the same meaning as the expression “ improvement of roads ” has in Part II of the Development and Road Improvement Funds Act, 1909;

8 & 9 Geo. 6.
c. 36.

“ industrial building ” has the same meaning as in the Distribution of Industry Act, 1945;

“ interim development authority ” means a local authority or joint committee empowered by an interim development order to permit the development of land;

“ interim development order ” means an order made under subsection (1) of section ten of the Act of 1932;

“ land ” includes land covered with water and any building as defined by this section, and, in relation to the acquisition of land under Part III of this Act, includes any interest or right in or over land;

“ large burgh ” has the meaning assigned to it in the Local Government (Scotland) Act, 1947;

“ lease ” includes a sub-lease, but does not include an option to take a lease;

54 & 55 Vict.
c. 34.

“ local authority ” means a county council, town council or district council, or any other authority within the meaning of the Local Authorities Loans (Scotland) Act, 1891, and includes any joint board or joint committee of which all the constituent authorities are such local authorities as aforesaid;

“ local highway authority ” means a highway authority other than the Minister of Transport;

“ local planning authority ” has the meaning assigned to it by section two of this Act;

- “ means of access ” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;
- “ minerals ” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;
- “ mining lease ” means a lease, sub-lease, tenancy or licence conferring a right to win or work minerals;
- “ Minister ” includes the Treasury, the Admiralty, the Board of Trade and any other government department;
- “ National Coal Board ” means the National Coal Board established under the Coal Industry Nationalisation Act, 1946; 9 & 10 Geo. 6.
c. 59.
- “ National Trust for Scotland ” means The National Trust for Scotland for Places of Historic Interest or Natural Beauty incorporated by the Order confirmed by the National Trust for Scotland Order Confirmation Act, 1935; 26 Geo. 5 &
1 Edw. 8. c. ii
- “ operational land ”, in relation to any statutory undertakers, means land which is used for the purpose of carrying on the undertakings of those undertakers and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;
- “ owner ” in relation to any land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking;
- “ planning permission ” means the permission for development of land which is required by virtue of section ten of this Act;
- “ planning permission granted for a limited period only ” has the meaning assigned to it by section twelve of this Act;
- “ planning scheme ” means a scheme under the Act of 1932 or any enactment repealed by that Act;
- “ purchase notice ” has the meaning assigned to it by section seventeen of this Act;
- “ relocation of population or industry ” means, in relation to an area of extensive war damage or an area of bad

PART IX.
—cont.

lay-out or obsolete development, the rendering available elsewhere than in that area, whether in an existing community or a community to be newly established, of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

“ replacement of open space ” means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering of land available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used;

“ requisitioned land,” and “ period of requisition,” have the meanings assigned to them by section eighty-five of this Act;

“ small burgh ” has the meaning assigned to it in the Local Government (Scotland) Act, 1947;

“ statutory undertakers ” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “ statutory undertaking ” shall be construed accordingly;

“ tree preservation order ” has the meaning assigned to it by section twenty-six of this Act;

“ use ”, in relation to land, does not include the use of land by the carrying out of any building or other operations thereon;

“ Valuation Office ” means the Valuation Office of the Inland Revenue Department;

“ war damage ” has the same meaning as in the War Damage Act, 1943.

(2) If any question arises, in relation to anything required or authorised to be done under this Act, which Minister was or is the appropriate Minister as defined by this section in relation to any statutory undertakers, that question shall be

determined by the Treasury, and if any question so arises whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

PART IX.
—cont.

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to the Act of 1945, or of any other enactment, is to be deemed to be served.

(4) Any reference in this Act to the compensation payable in respect of the compulsory acquisition of land shall be construed as including a reference to compensation to be estimated, in connection with the acquisition, for damage sustained by reason of the severing of the land from other land held therewith or otherwise injuriously affecting such other land, and compensation to be so estimated for disturbance or any other matter not directly based on the value of the land.

(5) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

114.—(1) This Act may be cited as the Town and Country Planning (Scotland) Act, 1947.

Short title,
commence-
ment and
extent.

(2) This Act shall come into force on the appointed day:

Provided that—

- (a) section one of this Act, and
- (b) subsection (2) of section thirty-four of this Act and subsection (2) of section thirty-five of this Act and any other provisions in Part III of this Act which relate to the acquisition of land under either of those subsections, and
- (c) Part IV of this Act, so much of section eighty-seven of this Act as relates to land acquired before the appointed day, subsection (2) of section one hundred and nine of this Act so far as it relates to Part I of the Ninth Schedule to this Act, and Part I of the said Ninth Schedule, and
- (d) sections ninety-five, one hundred and two, one hundred and four, one hundred and six and one hundred and eleven,

shall come into force on the date of the passing of this Act.

(3) This Act shall extend to Scotland only.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

LOCAL ADMINISTRATION.

PART I.

Voluntary Combination of Authorities.

1. An agreement entered into under subsection (2) of section two of this Act shall provide for the appointment of a joint planning committee, which shall consist of representatives of the local planning authorities concerned, and for the delegation to the joint planning committee of all or some of the functions (other than the power to borrow money or to levy a rate) relating to the purposes for which the combination has effect, and the agreement may make provision for the transfer of property and liabilities, the adjustment of liabilities between the authorities, the transfer and compensation of officers, the settlement of differences and for such other matters as appear to be necessary or expedient for the purpose of carrying the combination into effect.

2. The expenses of the joint planning committee shall be defrayed by the constituent authorities in the proportions specified or provided for in the agreement, and the proportion of expenses falling to be defrayed by a local planning authority shall be defrayed by that authority in like manner as if the expenses had been incurred by that authority for the purposes for which the combination has effect.

3. The Secretary of State may, on the application of the local planning authorities concerned, make an order for the purpose of giving effect to any of the foregoing provisions of this Part of this Schedule.

4. The Secretary of State may by order constitute the joint planning committee a body corporate.

5. The Secretary of State may, if it appears to him expedient so to do, make an order withdrawing the consent given by him to the combination under subsection (2) of section two of this Act of any two or more local planning authorities and dissolving the combination; and any such order may contain provisions regulating the rights and liabilities of the authorities concerned and such other provisions (including provision for the transfer and compensation of officers), as appear to the Secretary of State to be necessary or proper in the circumstances:

Provided that the Secretary of State shall not make such an order except after holding a local inquiry unless all the authorities concerned have consented to the making of the order.

PART II.

1ST SCH.
—cont.*Combination of Authorities by Order.*

1. An order made under subsection (3) of section two of this Act shall provide for the constitution of a joint planning committee consisting of such number of members as may be determined by the order to be appointed by the constituent authorities and for the delegation to the committee of such of the functions (other than the power to borrow money or to levy a rate) of the constituent authorities as may be specified in the order.

2. An order made under the said subsection (3)—

- (a) may provide for regulating the appointment, tenure of office and vacation of office, of members of the committee, for regulating the meetings and proceedings of the committee and for the payment of the expenses of the committee by the constituent authorities;
- (b) may provide that a committee constituted thereby shall be a body corporate;
- (c) may provide for the transfer and compensation of officers, the transfer of property and liabilities and the adjustment of accounts and apportionment of liabilities; and
- (d) may contain such other provisions as appear to the Secretary of State to be necessary or expedient for enabling the committee to exercise their functions.

3. The Secretary of State may, if it appears to him expedient so to do, make an order dissolving, or altering the constitution of, such a joint planning committee or varying the delegation to the committee; and any such order may contain provisions regulating the rights and liabilities of the authorities concerned and such other provisions (including provisions for the transfer and compensation of officers) as appear to the Secretary of State to be necessary or proper in the circumstances.

PART III.

Joint Advisory Committees.

1. Any two or more local planning authorities may, with the approval of the Secretary of State, concur in establishing a joint advisory committee for the purpose of advising those authorities as to the preparation of development plans and generally as to the planning of development in their districts; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established:

Provided that a majority of the members of any such committee shall be members of one or other of those authorities.

2. If it appears to the Secretary of State to be expedient that a joint advisory committee of any two or more local planning authorities should be established in accordance with the last foregoing paragraph.

1ST SCH.
—*cont.*

he may, after consultation with those authorities, by order establish such a committee, and any such order may—

- (a) provide for the reference to the committee of such matters as may be specified in the order;
- (b) make such incidental and consequential provisions (including provision for the payment of expenses of the committee and the transfer and compensation of officers), as appear to the Secretary of State to be expedient.

3. Any power conferred by this Part of this Schedule to establish and constitute a joint advisory committee shall include power to dissolve or alter the constitution of such committee and to vary the reference to the committee.

PART IV.

Planning Committees.

1. A local planning authority shall establish a planning committee for the discharge of their functions under this Act.

2. Every such planning committee shall be constituted in such manner as the local planning authority may determine, but not less than three-fourths of the members of the committee shall be members of the local planning authority.

3. A planning committee established as aforesaid may be required by the local planning authority to advise that authority or to report to that authority in respect of the exercise by that authority of any of their functions under this Act, or to exercise on behalf of that authority any of those functions, except the power to borrow money or levy a rate.

4. The minutes of proceedings of a planning committee established as aforesaid shall be open to the inspection of any local government elector for the district on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or extract therefrom.

5. Any power conferred by this Part of this Schedule to establish and constitute a planning committee shall include power to alter the constitution of the committee and to vary any functions of the committee.

PART V.

Sub-Committees.

1. The planning committee of a local planning authority may, subject to any restrictions imposed by that authority, and shall if so required by that authority—

- (a) establish such sub-committees as the committee or the local planning authority may determine; and
- (b) authorise any such sub-committee to exercise on their behalf any functions of the planning committee,

and any such sub-committee shall be constituted in such manner as may be determined (subject to any such restrictions as aforesaid) by the planning committee or by the local planning authority, but not less than three-fourths of the members of any such sub-committee which consists of more than three persons shall be members of the local planning authority or of a local authority for any area forming part of the district of the local planning authority.

1ST SCH.
—*cont.*

2. The power conferred by the last foregoing paragraph to establish and constitute sub-committees or to authorise such sub-committees to exercise any functions shall include power to dissolve or alter the constitution of such sub-committees and to vary any such authorisation.

3. The provisions of this Part of this Schedule shall, with any necessary modifications, apply in relation to a joint planning committee appointed in pursuance of a combination of local planning authorities under subsection (2) or subsection (3) of section two of this Act or a joint advisory committee as they apply in relation to a planning committee established under Part IV of this Schedule.

SECOND SCHEDULE.

Section 11.

EXCEPTED ENACTMENTS FOR THE PURPOSES OF S. 11.

Subsection (1) of section thirty-two of the Public Health (Scotland) Act, 1897; 60 & 61 Vict.
c. 38.

Section one hundred and fifty-eight of the Burgh Police (Scotland) Act, 1892, as extended by subsection (2) (h) of section one hundred and four of the Burgh Police (Scotland) Act, 1903; 3 Edw. 7. c. 33.

Section five of the Roads Improvement Act, 1925, as applied to Scotland by section twelve of that Act; 15 & 16 Geo. 5.
c. 68.

Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a bye-law, order or regulation not requiring confirmation by Parliament;

Any enactment which has been previously excluded or modified by any development order, and any enactment having substantially the same effect as any such enactment.

THIRD SCHEDULE.

Sections 18, 20,
48, 51, 66, 78,
85 and 107.

EXCEPTED CLASSES OF DEVELOPMENT.

PART I.

Development Included in Existing Use for Purposes other than Compensation under s. 18.

1. The rebuilding, as often as the person having the right to rebuild may desire, of any building which was in existence on the appointed day and of any building which was in existence before that day but has been destroyed or demolished since the seventh day of January, nineteen hundred and thirty-seven (including the making good of war damage which has been sustained by any such building), so long as the cubic content of the original building is not exceeded, in the case

3RD SCH.
—cont.

of a dwellinghouse, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and in any other case by more than one-tenth.

2. The use as two or more separate dwellinghouses of any building which on the appointed day was used as a single dwellinghouse.

PART II.

Development Included in Existing Use for All Purposes.

1. The enlargement, improvement or other alteration, as often as the person having the right to carry out such operations may desire, of any such building as is mentioned in paragraph 1 of Part I of this Schedule, or any building substituted therefor by the carrying out of any such operations as are mentioned in that paragraph, so long as the cubic content of the original building is not increased or exceeded, in the case of a dwellinghouse, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and in any other case by more than one-tenth.

2. The carrying out, on land which was used for the purposes of agriculture or forestry on the appointed day, of any building or other operations required for the purposes of that use, other than operations for the erection, enlargement, improvement or alteration of dwellinghouses or of buildings used for the purposes of market gardens, nursery grounds or timber yards or for other purposes not connected with general farming operations, or with the cultivation or felling of trees.

3. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid.

4. The winning and working of peat by any person for the domestic requirements of that person.

5. In the case of a building or other land which, on the appointed day, was used for a purpose falling within any general class specified in an order made by the Secretary of State for the purposes of this paragraph, or which, being unoccupied on the appointed day, was last used (otherwise than before the seventh day of January, nineteen hundred and thirty-seven) for any such purpose, the use of that building or land for any other purpose falling within the same general class.

6. In the case of any building or other land which, on the appointed day, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the appointed day or, as the case may be, one-tenth of the area of the land so used on that day.

7. The deposit of waste materials or refuse in connection with the working of minerals on any land comprised in a site which, on the appointed day, was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.

FOURTH SCHEDULE.Sections 18, 20
and 25.**PROVISIONS RELATING TO COMPENSATION UNDER PART II.**

1. For the purpose of assessing any compensation payable under section eighteen, section twenty or section twenty-five of this Act, being compensation in respect of the depreciation in value of any interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, (which prescribes rules for the assessment of compensation by an official arbiter) shall, so far as applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

2. Where any compensation is payable as aforesaid by virtue of any decision or order given or made before the expiration of two years from the end of the war period as defined for the purposes of section forty of the Requisitioned Land and War Works Act, 1945, Part VIII of that Act (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers) shall apply in relation to any such compensation as aforesaid as it applies in relation to compensation payable on the acquisition of a servitude over land by virtue of Part II of the said Act:

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the said Act shall have effect as if paragraph (a) thereof were omitted.

3. Where any interest in land is subject to a heritable security—

- (a) any compensation as aforesaid which is payable in respect of the depreciation in the value of that interest shall be assessed as if the interest were not subject to the security;
- (b) a claim for any such compensation may be made by any person having a heritable security over the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) a heritable creditor shall not be entitled to claim any such compensation in respect of his interest as such; and
- (d) the compensation payable in respect of the interest subject to the security shall be paid by the local planning authority to the heritable creditor, or where there is more than one heritable creditor to the heritable creditor whose security ranks first, and shall in either case be applied by him as if it were the proceeds of a sale by him under the powers competent to heritable creditors.

4. Any compensation payable to any person, by virtue of any order made under section twenty-four of this Act, shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with that order.

Section 32.

FIFTH SCHEDULE.

SPECIAL PROVISIONS RELATING TO DEVELOPMENT BY
STATUTORY UNDERTAKERS.

Applications
for planning
permission.

1.—(1) Subject to the provisions of this Schedule, where an application for planning permission to develop operational land, made by the person carrying on a statutory undertaking, is referred to the Secretary of State under Part II of this Act in pursuance of directions given by him, or where an appeal is made to him under that Part from the decision of the local planning authority on such an application, the application or appeal shall be dealt with by the Secretary of State and the appropriate Minister.

(2) Where, upon any such application or appeal, the Secretary of State and the appropriate Minister propose to refuse permission or to grant permission subject to conditions, they shall notify to the person carrying on the undertaking the decision which they propose to give, and if within twenty-eight days from the date on which he receives the notification that person makes application to the appropriate Minister in that behalf, the decision shall be embodied in an order made by the Secretary of State and the appropriate Minister, and any such order shall be subject to special parliamentary procedure.

(3) In respect of any decision given under this paragraph refusing planning permission to develop operational land, or granting such permission subject to conditions, the person carrying on the statutory undertaking shall be entitled to recover compensation from the local planning authority in accordance with the Fourth Schedule to the Act of 1945:

Provided that if the Secretary of State and the appropriate Minister are satisfied, in the case of land acquired by the undertakers after the seventh day of January, nineteen hundred and forty-seven, that it is unreasonable, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that compensation should be so recovered in respect of the decision, they may include therein a direction that the foregoing provisions of this sub-paragraph shall not apply in relation to that decision.

(4) Notwithstanding anything in Part II of this Act, planning permission to develop operational land shall not except with the consent of the undertakers be granted subject to conditions requiring that any buildings or works authorised by the permission shall be removed, or that any use of the land so authorised shall be discontinued, at the expiration of a specified period.

(5) The provisions of this Act shall apply to an application which is dealt with under this paragraph by the Secretary of State and the appropriate Minister as if it had been dealt with by the Secretary of State.

2.—(1) Where, under the enactments regulating the carrying on of a statutory undertaking, the sanction of any government department other than the Secretary of State is required in respect of any development of operational land, then—

5TH SCH.
—cont.

Special provisions as to development requiring government sanction.

(a) if that department decides to refuse that sanction on the ground only that planning permission ought not to be granted for the development, or to grant that sanction and direct that such permission shall be deemed to be granted subject to conditions other than conditions imposed as part of the sanction, sub-paragraphs (2) and (3) of paragraph 1 of this Schedule shall apply, subject to any necessary modifications, in relation to that decision and to any proposal by the department to give that decision as they apply in relation to a decision, or a proposed decision, of the Secretary of State and the appropriate Minister under that paragraph;

(b) except where that sanction has been granted without any direction as to the grant of planning permission, the Secretary of State and the appropriate Minister shall not be required to deal with an application for such permission under sub-paragraph (1) of the said paragraph 1.

(2) Notwithstanding anything in the proviso to sub-paragraph (3) of the said paragraph 1, no direction shall be given thereunder for the exclusion of the payment of compensation in respect of a decision relating to the development of land of any statutory undertakers if the land was acquired by those undertakers for the purposes of that development (whether by agreement or compulsorily) with the consent or authority of a government department.

3.—(1) The provisions of Part II of this Act with respect to the revocation and modification of planning permission shall have effect, in relation to any permission granted, on an application made by the person carrying on a statutory undertaking, for the development of operational land, as if for any reference therein to the Secretary of State there were substituted a reference to the Secretary of State and the appropriate Minister.

Revocation and modification of planning permission.

(2) Where the Secretary of State and the appropriate Minister propose to confirm or make an order under section nineteen of this Act, as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) In relation to any order made by the Secretary of State and the appropriate Minister under the said section nineteen as modified by this paragraph, sub-paragraph (3) of paragraph 1 of this Schedule shall apply as it applies to a decision given under that paragraph refusing permission to develop operational land, or granting such permission subject to conditions, and references in the said sub-paragraph (3) to a decision under that paragraph shall accordingly include references to any such order as aforesaid.

5TH SCH.

—cont.

Orders relating
to authorised
uses.

4.—(1) The provisions of Part II of this Act with respect to the making of orders requiring the discontinuance of any use of land or imposing conditions on the continuance thereof, or requiring buildings or works on land to be altered or removed, shall have effect, in relation to operational land of the person carrying on any statutory undertaking, as if for any reference therein to the Secretary of State there were substituted a reference to the Secretary of State and the appropriate Minister.

(2) Where the Secretary of State and the appropriate Minister propose to confirm or make an order under section twenty-four of this Act as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) Any compensation payable under section twenty-five of this Act in consequence of an order made under the said section twenty-four as modified by this paragraph shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1945.

Provisions as to
orders subject
to special
parliamentary
procedure.

5. The provisions of the Statutory Orders (Special Procedure) Act, 1945, with regard to the publication of notices in the Edinburgh Gazette and in a newspaper, shall, notwithstanding anything in that Act contained, not apply to any order under paragraphs 1, 3 or 4 of this Schedule, which is subject to special parliamentary procedure.

Section 46.

SIXTH SCHEDULE.

PROCEDURE FOR MAKING ORDERS UNDER S. 46.

1. Before making an order under section forty-six of this Act the Minister of Transport shall publish in at least one local newspaper circulating in the area in which any highway to which the order relates is situated and in the Edinburgh Gazette a notice—

- (a) stating the general effect of the order;
- (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice; and
- (c) stating that, within the said period, any person may by notice to that Minister object to the making of the order.

2. Not later than the date on which the said notice is published as aforesaid, the Minister of Transport shall serve a copy thereof (together with a copy of the draft order and of any relevant map or plan)—

- (a) on every local authority in whose area any highway to which the order relates is situated;
- (b) on any water, hydraulic power, gas or electricity undertakers, having any cables, mains, pipes or

wires laid along, across, under or over any highway to be stopped up or diverted under the order.

6TH SCH.
—cont.

3. Not later than the date on which the said notice is published as aforesaid, the Minister of Transport shall cause a copy thereof to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.

4. If before the expiration of the said period of three months an objection is received by the Minister of Transport from any local authority or undertakers on whom a notice is required to be served under this Schedule, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held:

Provided that except where the objection is made by any such authority or undertakers as aforesaid, the Minister may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

5. After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may make the order either without modification or subject to such modifications as he thinks fit.

6. Immediately after the order has been made, the Minister of Transport shall publish in the manner prescribed by paragraph 1 of this Schedule a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours, and paragraphs 2 and 3 of this Schedule shall apply to any such notice as they apply to the notice required to be published by the said paragraph 1.

7. Subsections (2) to (4) of section nine of this Act shall apply to any order under section forty-six of this Act as they apply to a development plan approved or made under Part II of this Act, and as if for references therein to the notice required by subsection (1) of that section there were substituted references to the notice required by the last foregoing paragraph:

Provided that where any such order is subject to special parliamentary procedure, then—

(a) if the order is confirmed by Act of Parliament under subsection (4) of section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, subsections (2) and (3) of the said section nine shall not apply;

(b) in any other case the said subsections shall have effect as if in subsection (2) for the reference to the date on which the notice required by the last foregoing paragraph is first published there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from “and shall become operative,” to the end of the subsection were omitted.

8. In this Schedule the expression “local authority” means a county council, town council or district council.

SEVENTH SCHEDULE.

MODIFICATIONS OF PART II OF TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT, 1945.*Elimination of overlap between owner-occupier supplement and increase
of converted value payment.*

1.—(1) Where an interest in land the value of which falls to be ascertained in accordance with the provisions of Part II of the Act of 1945 for the purposes of the compensation payable on a compulsory acquisition thereof is an interest in a hereditament or part of a hereditament which has sustained war damage, then if—

- (a) by virtue of section fourteen of the War Damage Act, 1943, or of any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, a value payment falls to be made in respect of the damage so far as not made good before the date of the acquisition; and
- (b) the amount of that payment falls to be increased by virtue of the War Damage (Increase of Value Payments) Order, 1947, or any subsequent order made by the Treasury under section eleven of the said Act; and
- (c) the person entitled to the compensation payable in respect of the compulsory acquisition of the interest in question is also entitled by virtue of section fifty-four of the Act of 1945 either as originally enacted or as amended by the Acquisition of Land (Increase of Supplement) (Scotland) Order, 1946, or any subsequent order made by the Treasury under section fifty-six of that Act, to receive a supplement to that compensation,

the amount of the compensation payable in respect of the compulsory acquisition shall be reduced in the manner provided by this paragraph by such sum as may be appropriate, not exceeding the amount by which the value payment is increased as aforesaid, or the amount of the supplement payable as aforesaid, whichever is the less.

(2) Any reduction required by virtue of this paragraph to be made in the compensation payable in respect of the compulsory acquisition of an interest in land shall be effected as follows, that is to say, the War Damage Commission shall, on a claim made to the Commission in that behalf within the time and in the manner prescribed by regulations made by the Treasury under this Act, pay to the Minister or authority by whom that interest is compulsorily acquired a sum equal to the amount of the reduction, together with interest thereon at the rate of two and a half per cent. per annum from the date of the acquisition, and shall deduct that amount (including interest thereon as aforesaid) from the amount of any value payment or share of the value payment (including interest on any such payment or share) payable by the Commission under the War Damage Act, 1943, to the person from whom that interest is acquired.

(3) Any sum payable by the War Damage Commission to a Minister or authority by virtue of the provisions of this paragraph in respect of the compulsory acquisition of any interest in land shall be paid at the time when the value payment or share of a value payment payable to the owner of that interest under the War Damage Act, 1943, is discharged.

(4) Any question arising under this paragraph as to what reduction is appropriate in the compensation payable in respect of the compulsory acquisition of an interest in land shall, in default of agreement, be referred to and determined by the War Damage Commission, whose decision shall be final; and paragraph 6 of the First Schedule to the War Damage Act, 1943 (which enables the Commission to regulate the procedure for the determination of questions subject to determination by them under that Act), shall have effect as if any question falling to be determined by the Commission under this paragraph were a question subject to determination by them under that Act.

7TH SCH.
—cont.

(5) Where an interest in land which has been acquired by agreement before the commencement of this Act by a person authorised by virtue of any enactment to acquire it compulsorily is an interest in a hereditament or part of a hereditament which has sustained war damage then if—

- (a) the conditions specified in sub-paragraphs (1) (a) and (1) (b) of this paragraph are satisfied in relation thereto; and
- (b) the person to whom the purchase price is payable in respect of the acquisition of the interest in question would, if the interest had been acquired compulsorily, have been entitled to any such supplement as is mentioned in sub-paragraph (1) (c) of this paragraph;

the amount of the purchase price payable in respect of the acquisition shall be reduced by such sum as may be appropriate, not exceeding the amount by which the value payment is increased as is mentioned in sub-paragraph (1) (b) of this paragraph, or the amount of the supplement which would have been payable as aforesaid, whichever is the less; and sub-paragraphs (2), (3) and (4) of this paragraph shall apply in relation to the reduction required by virtue of this sub-paragraph to be made in the purchase price as if for any reference in those sub-paragraphs to the compulsory acquisition of an interest in land or to the amount of the compensation payable in respect of that acquisition there were substituted respectively a reference to the acquisition of an interest in land by agreement, and to the purchase price payable in respect of that acquisition.

(6) The reference in sub-paragraph (2) of this paragraph to the date of acquisition of an interest in land shall be construed as a reference to the date of the completion of the acquisition or, if interest on the compensation, or on the purchase price, as the case may be, becomes payable before that date (whether by virtue of entry on the land or otherwise), as a reference to the date from which the interest becomes payable.

Assessment of compensation in case of certain agricultural land.

2. In subsection (2) of section fifty-three of the Act of 1945, and paragraph 4 of the Seventh Schedule to that Act, references to agricultural holdings and to holdings as defined for the purposes of the Agricultural Holdings (Scotland) Act, 1923, shall be construed as ^{13 & 14 Geo. 5.} including references to any land which, if it were held by a tenant, ^{c. 10.} would be a holding as so defined.

7TH SCH.
—cont.

Assessment of compensation by reference to after-damage value.

3.—(1) Where under section fifty-seven of the Act of 1945, the value of any land in a hereditament which has sustained war damage is for the purpose of a compulsory acquisition required to be ascertained, in accordance with the provisions of the Eighth Schedule to that Act, by reference to the certified after-damage value of the hereditament, then if—

3 Edw. 7. c. 25.

(a) the hereditament consists of premises in respect of which a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903, was in force or in suspense at the time when the war damage occurred; and

(b) between that time and the time when the notice to treat was served there had been any change in the circumstances of the certificate, whether by extinction, removal or suspension by virtue of section ten of the Finance Act, 1942, or section thirteen of the Finance Act, 1946,

9 & 10 Geo. 6.
c. 64.

sub-paragraph (3) of paragraph (1) of the said Eighth Schedule shall have effect as if the change constituted a material difference in the state of the premises, and the change shall be taken into account under the said sub-paragraph in determining the value of the premises under the War Damage Act, 1943, by reference to the state of the premises at the time when the notice to treat is served.

15 & 16 Geo. 5.
c. 33.

(2) The right to receive payment of stipend or of the standard charge in lieu of stipend constituted under the Church of Scotland (Property and Endowments) Act, 1925, in respect of any land shall not be taken into account as an interest in land under paragraph 2 of the Eighth Schedule to the Act of 1945, but such adjustments of the certified after-damage value of the hereditament shall be made for the purposes of that Schedule as are necessary to produce for those purposes the result which would have been produced therefor if liability to pay stipend or such charge as aforesaid had been included among the burdens referred to in paragraph 1 (1) (c) of the Second Schedule to the War Damage Act, 1943.

*Extension of Owner-occupier Supplement to Certain
Subsidiary Companies.*

4.—(1) Where an interest in land the value of which falls to be ascertained in accordance with the provisions of Part II of the Act of 1945 for the purposes of the compensation payable on a compulsory acquisition thereof is an interest held by a company having among its objects the holding of land, and being related (as hereinafter defined) to another company which carries on business on land so held, then, without prejudice to the provisions of paragraph (a) of subsection (6) of section fifty-four of the said Act, or of any regulation made thereunder, subsection (5) of that section shall have effect in relation to that interest as if references in paragraphs (a) to (d) of that subsection to the person entitled to compensation for the purchase of that interest included references to the last mentioned company

10 & 11 Geo. 6.
c. 47.

(2) For the purposes of this paragraph a company shall be deemed to be related to another company if either of those companies is a subsidiary of the other (as defined by the Companies Act, 1947) or if both of them are subsidiaries (as so defined) of a third company.

EIGHTH SCHEDULE.

Sections 41, 100
and 109.

ENACTMENTS AMENDED.

*Enactments amended.**Amendments.*

The Electricity (Supply)
Act, 1919, 9 & 10
Geo. 5. c. 100.

In section twenty-one, after the words "local authority" in the second place where those words occur, there shall be inserted the words "and the local planning authority within the meaning of the Town and Country Planning (Scotland) Act, 1947" and after the words "county council", in the second place where those words occur, there shall be inserted the words "not being the local planning authority".

The Betting and Lot-
teries Act, 1934, 24 &
25 Geo. 5. c. 58.

In section seven, in subsection (1) the words from "where the track or any part thereof" to the words "no such scheme is in force" shall be omitted; and for the words "their consent in writing to the licensing authority," there shall be substituted the words "the licensing authority, that any planning permission required as aforesaid has been so granted or is deemed to be so granted."

In section twenty the definition of "planning scheme" shall be omitted.

In section thirty-one, in paragraph (2) the words from "and for references" to the end of the paragraph shall be omitted; in paragraph (3) for the words "the responsible authority under a planning scheme in force in any area" there shall be substituted the words "the planning authority for any area"; after paragraph (4) there shall be inserted the following paragraph—

"(4A) In section seven, in subsection (1) for the words from 'satisfied that,' in the second place where those words occur to 'or shall grant,' there shall be substituted the words 'satisfied that any planning permission required under the Town and Country Planning (Scotland) Act, 1947, for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been granted thereunder or is deemed to be so granted, or shall grant'";

8TH SCH.
—cont.

Enactments amended.

The Betting and Lotteries Act, 1934, 24 & 25 Geo. 5. c. 58.—*cont.*

Amendments.

and after paragraph (8) there shall be added the following paragraph—

“(9) In subsection (1) of section twenty for the definition of ‘planning authority’ there shall be substituted the following definition—

“‘planning authority’ means the local planning authority within the meaning of the Town and Country Planning (Scotland) Act, 1947.”

The Housing (Scotland) Act, 1935, 25 & 26 Geo. 5. c. 41.

In section fourteen, in subsection (2) for the words “any planning scheme or proposed planning scheme” there shall be substituted the words “any development plan within the meaning of the Town and Country Planning (Scotland) Act, 1947”.

The Restriction of Ribbon Development Act, 1935, 25 & 26 Geo. 5. c. 47.

In section four, the words “Where restrictions are in force under the foregoing provisions of this Act” and the words “except at such places as may be permitted by them” shall be omitted.

In section twenty-five, in paragraph (2) for the words from the beginning of the paragraph to “Lands Clauses (Consolidation) (Scotland) Act, 1845” there shall be substituted the words “for references to the Local Government Act, 1929, there shall be substituted references to the Local Government (Scotland) Act, 1929”; for paragraph (4) there shall be substituted the following paragraph—

“(4) Section four shall have effect as if in the proviso for the words from ‘any means of access’ to the end of the proviso there were substituted the words ‘any means of access for the construction, formation or laying out of which planning permission has been granted under the Town and Country Planning (Scotland) Act, 1947, or which was constructed, formed or laid out before the appointed day within the meaning of the said Act, unless it was constructed, formed or laid out in contravention of restrictions in force under the foregoing provisions of this Act’”;

in paragraph (5) the words “subsection (1) of section eleven and” shall be omitted; paragraph (6) shall be omitted;

Enactments amended.

The Restriction of
Ribbon Development
Act, 1935, 25 & 26
Geo. 5. c. 47.—*cont.*

The Trunk Roads Act,
1936, 1 Edw. 8 and
1 Geo. 6. c. 5.

Amendments.

in paragraph (11) for the words "subsections (1) and (2)" there shall be substituted the words "subsection (1)"; and paragraphs (13) and (14) shall be omitted.

In section twelve, for subsection (4) there shall be substituted the following subsection :—

"(4) In the proviso directed by the Second Schedule to this Act to be substituted for provisos (a) and (b) to subsection (1) of section five of the Roads Improvement Act, 1925, for the words from 'the local authority' to the words 'interim development of that land' there shall be substituted the words 'the local planning authority within the meaning of the Town and Country Planning (Scotland) Act, 1947.'"

In section twelve, for subsection (9) there shall be substituted the following subsection :—

"(9) For subsection (1) of section four of this Act the following subsection shall be substituted :—

'(1) In this section and in the Fourth Schedule to this Act, the expression 'the authority' means, in relation to a trunk road, the council of the county or large burgh in which the road is situated :

Provided that where the road is situated within a small burgh, and immediately before the road became a trunk road it was an unclassified road, the said expression means :—

(a) in any case where the council of the small burgh was charged with the maintenance and management of the road, that council; and

(b) in any other case, the county council.'"

In the Fourth Schedule, in paragraphs 6 and 7 for the words "sections thirteen to fifteen" there shall be substituted the words "sections thirteen and fourteen".

The Camps Act, 1939,
2 & 3 Geo. 6. c. 22.

In section two, in subsection (1) the words "by means of a compulsory purchase order made by the company and confirmed" shall be omitted.

8TH SCH.
—cont.

Enactments amended.

The Camps Act, 1939,
2 & 3 Geo. 6. c. 22.
—cont.

Amendments.

In section seven, for paragraphs (b) and (c) there shall be substituted the following paragraph—

“(b) section two of this Act shall have effect as if for subsections (2) and (3) thereof the following subsection were substituted :—

“(2) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall have effect as if any reference therein to a local authority (except the references thereto in subsection (2) of section one, in section two and in paragraph 9 of the First Schedule) included a reference to a recognised company.”

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.

In section eighteen, in subsection (1) for the words from “or appropriated,” to the end of the subsection there shall be substituted the words “under section thirty-five or section thirty-seven of the Town and Country Planning (Scotland) Act, 1947, or appropriated for purposes for which land can be acquired under those sections, and is for the time being held by the authority for the purposes for which it was acquired or appropriated”; in subsection (3) for the words “this Part of this Act” there shall be substituted the words “Part III of the Town and Country Planning (Scotland) Act, 1947”; in subsection (5) after the word “shall” there shall be inserted the words “in the case of land comprised in an area defined by a development plan as an area of comprehensive development”; for the words “land which the authority have acquired for the purposes of this Part of this Act” there shall be substituted the words “any such land which the authority have acquired as mentioned in subsection (1) of this section”; and for the words “accommodation thereon” there shall be substituted the words “thereon accommodation suitable to their reasonable requirements”; in subsection (8) for the words “section forty-one of this Act” there shall be substituted the words “section twenty-eight of the Town and Country Planning (Scotland) Act, 1947”; and in subsection (10) for the words from

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

8TH SCH.
—*cont.*

“ land which ” to “ this Part of this Act ”, where those words first occur, there shall be substituted the words “ any such land as is mentioned in subsection (1) of this section ”; for the words “ this Part of this Act ”, in the second place where those words occur, there shall be substituted “ Part III of the Town and Country Planning (Scotland) Act, 1947.”

In section nineteen, in subsection (1) for the words from “ land which,” to “ purposes of this Part of this Act,” there shall be substituted the words “ any such land as is mentioned in subsection (1) of section eighteen of this Act ”; and for the words “ this Part of this Act,” in the second and third places where those words occur, there shall be substituted the words “ Part III of the Town and Country Planning (Scotland) Act, 1947 ”; and in subsection (4) for the words “ the two last preceding subsections ” there shall be substituted the words “ subsection (2) of this section ”.

In section twenty-one, in subsection (1) for the words from “ or a local highway,” to “ authorised by this Part of this Act,” there shall be substituted the words “ as mentioned in subsection (1) of section eighteen of this Act or which has been acquired by the Central Land Board under section forty of the Town and Country Planning (Scotland) Act, 1947, whether done by the local planning authority or by any person deriving title from the local planning authority or from the Board, as the case may be, shall be deemed to be authorised by this section,”; for the words “ by such an authority ”, in both places where those words occur, there shall be substituted the words “ under those Acts ”; in subsection (2), for the words “ other than the local planning or highway authority,” there shall be substituted the words “ deriving title from the local planning authority ”, after the word “ appropriated ” there shall be inserted the words “ or from the Central Land Board ”, after the word “ authority,” in the second place where that word occurs, there shall be inserted the words “ or against the Board, as the

8TH SCH.
—cont.

Enactments amended.
The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

case may be", and after the word "authority," in the third and fourth places where that word occurs, there shall be inserted the words "or Board"; in subsection (3) for the words from "the terms of an interim development order" to the end of the subsection there shall be substituted the words "planning permission granted under the Town and Country Planning (Scotland) Act, 1947, and not otherwise"; and in subsection (4) the words "or local highway authority" shall be omitted.

In section twenty-two, in subsection (1) for the words from "land which has" to the end of the subsection there shall be substituted the words "any such land as is mentioned in subsection (1) of section eighteen of this Act if he is satisfied that a suitable alternative right of way has been or will be provided or that the provision thereof is not required"; for subsections (2) and (3) there shall be substituted the following subsections:—

"(2) The Sixth Schedule to the Town and Country Planning (Scotland) Act, 1947, shall apply to an order under this section as it applies to an order under section forty-six of that Act, and the said Schedule shall, in its application to an order under this section have effect as if for any reference therein to the Minister of Transport there were substituted a reference to the Secretary of State.

(3) The Minister of Transport or a local highway authority may be authorised to acquire land compulsorily for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under this section; and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this subsection, and accordingly shall have effect—

(a) as if this subsection had been in force immediately before the commencement of that Act;

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

8TH SCH.
—*cont.*

- (b) as if this subsection were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act :

Provided that section two of the said Act shall not apply to the compulsory acquisition of land under this subsection.”;

in subsection (4) the words “ or local highway authority ”, wherever those words occur, shall be omitted, and for the words “ subsection (2) of this section ” there shall be substituted the words “ paragraph 1 of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1947 ” ; and at the end of the section there shall be added the following subsection :—

“ (5) Regulations made under the Town and Country Planning (Scotland) Act, 1947, may provide for securing that any proceedings required to be taken for the purposes of an order under this section may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or for securing that any proceedings required to be taken for the purpose of the acquisition of any other land under subsection (3) of this section may be taken concurrently with either or both of the said proceedings.”

In section twenty-three, in subsection (1) for the words “ this Part of this Act ” there shall be substituted the words “ Part III of the Town and Country Planning (Scotland) Act, 1947 ”, and in subsection (3) after the word “ Minister ” there shall be inserted the words “ or the Central Land Board ”.

In section twenty-four, in subsection (1) for the words from “ or appropriated ” to “ acquired the land ” there shall be substituted the words “ by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by a local planning authority as mentioned

8TH SCH.

—cont.

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

in subsection (1) of section eighteen of this Act," and for the words "the authority or the Minister" there shall be substituted the words "the purchasing or appropriating authority"; in subsections (2) and (3) for the words "authority or the Minister", in both places where those words occur, there shall be substituted the words "purchasing or appropriating authority"; in subsection (4) the words "or a local highway authority" shall be omitted; for the words "the authority" there shall be substituted the words "or on statutory undertakers, the authority or undertakers", and after "undertaking" there shall be inserted the words "on whom the notice was served under subsection (1) of this section"; in subsection (5), after the words "a Minister", where they first occur, there shall be inserted the words "or the Central Land Board", after the word "he" in both places where it occurs there shall be inserted the words "or they", and after the words "a Minister and the appropriate Minister" there shall be inserted the words "or the Central Land Board and the appropriate Minister"; in subsection (8), for the words "authority or Minister" there shall be substituted the words "purchasing or appropriating authority"; and in subsection (9), after the word "Minister" there shall be inserted the words "or the Central Land Board".

In section twenty-five, for the words "this Part of this Act", wherever those words occur, there shall be substituted the words "Part III of the Town and Country Planning (Scotland) Act, 1947"; in subsection (1), in paragraph (a) after the words "local planning authority" there shall be inserted the words "or a Minister", and for the words from "an interim development application" to the end of paragraph (b) there shall be substituted the words "an application made under the Town and Country Planning (Scotland) Act, 1947, by a person carrying on the undertaking for permission to develop any such land, or by the revocation or

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

modification of permission granted on such an application, or by the making of an order under section twenty-four of that Act in relation to any such land"; in subsection (2) after the words "local planning authority" in paragraph (c) there shall be inserted the words "or the Minister"; and in subsection (5) after the words "local planning authority", in both places where those words occur, and after the words "the authority", there shall be inserted the words "or Minister".

8TH SCH.
—*cont.*

In section twenty-six, in subsection (1), after the word "that," in the second place where that word occurs there shall be inserted "(a)"; for the words "this Part of this Act" there shall be substituted the words "Part III of the Town and Country Planning (Scotland) Act, 1947", and for the words "or the extinguishment thereunder," there shall be substituted the words:—

"(b) a decision on an application under Part II of the said Act by a person carrying on the undertaking for permission to develop any such land or the revocation or modification of planning permission granted on such an application or the making of an order under section twenty-four of that Act in relation to any such lands; or

(c) the extinguishment under Part III of that Act;"

and for subsection (5) there shall be substituted the following subsection:—

"(5) In relation to an order made under this section, subsections (1) to (4) of section nine of the Town and Country Planning (Scotland) Act, 1947, shall apply, subject to any necessary modifications, as they apply in relation to a development plan approved by the Secretary of State under that Act, and accordingly the said subsection (1) shall have effect as if for the reference therein to the local planning authority there were substituted a reference to the appropriate Minister:

8TH SCH.
—cont.

Enactments amended.
The Town and Country
Planning (Scotland)
Act, 1945, 8 & '9
Geo. 6. c. 33.—*cont.*

Amendments.

Provided that where any such order is subject to special parliamentary procedure, then—

- (a) if the order is confirmed by Act of Parliament under subsection (4) of section two, as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, subsections (2) and (3) of the said section nine shall not apply ;
- (b) in any other case those subsections shall have effect in relation to the order as if in subsection (2) for the reference to the date on which the notice required by subsection (1) of the said section nine is first published there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from 'and shall become operative' to the end of the subsection were omitted."

In section twenty-seven, in subsection (1) for the words from "or appropriated," to "Minister thereunder," there shall be substituted the words "by a purchasing authority, under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act," and for paragraph (a) there shall be substituted the following paragraph :—

"(a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local planning authority as aforesaid by that authority or by any other person if that use conforms with planning control,";

in subsection (2), after the words "a Minister" there shall be inserted the words "or the Central Land Board"; and in subsection (5) the words "or local highway authority" shall be omitted.

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

8TH SCH.
—*cont.*

In section twenty-eight, in subsection (1) for the words from "or appropriated" to the words "Minister thereunder" there shall be substituted the words "by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act" and for paragraph (a) there shall be substituted the following paragraph:—

"(a) in the case of land acquired by a purchasing authority other than a Minister or of land appropriated by a local planning authority as aforesaid by that authority or by any other person, if that use conforms with planning control,";

in subsection (2), for the words "have the meanings assigned to them respectively by section fourteen of this Act" there shall be substituted the words "have the same meanings as in the Town and Country Planning (Scotland) Act, 1947", and in subsection (3) the words "or local highway authority," shall be omitted."

In section twenty-nine, in subsection (1) for the words from "land acquired," to "this Part of this Act" there shall be substituted the words "any such land as is mentioned in subsection (1) of section eighteen of this Act," and after the word "accommodation", in the first place where that word occurs, there shall be inserted the words "suitable to the reasonable requirements of those persons,"; in subsection (2) for the words "under this Part of this Act" there shall be substituted the words "by a local planning authority under section thirty-five of the Town and Country Planning (Scotland) Act, 1947"; in subsection (3) for the words from "or a local highway" to "this Part of this Act" there shall be substituted the words "as is mentioned in subsection (1) of section eighteen of this Act"; in subsection (4) for the words from "which has been acquired by" to "Minister thereunder," there shall be substituted the words "on land which has been acquired or appropriated

8TH SCH.
—cont.*Enactments amended.*

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

by a local planning authority as mentioned in subsection (1) of section eighteen of this Act or which has been acquired by the Central Land Board or a Minister under Part III of the Town and Country Planning (Scotland) Act, 1947," and for the words "or the Minister" there shall be substituted the words "Board or Minister"; and in subsection (5) the words "or a local highway authority" shall be omitted, for the words "or a Minister" there shall be substituted the words "the Central Land Board or a Minister", and for the words from "or appropriated" to "this Part of this Act," there shall be substituted the words "by the local planning authority, Board or Minister under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by the local planning authority as mentioned in subsection (1) of section eighteen of this Act."

In section forty-six, the words "or a local highway authority" shall be omitted, and for the words "this Part of this Act" there shall be substituted the words "Part III of the Town and Country Planning (Scotland) Act, 1947".

In section forty-eight, for the words "this Act", in both places in which those words occur, there shall be substituted the words "the Town and Country Planning (Scotland) Act, 1947".

In section fifty, for the words "this Act", wherever they occur, there shall be substituted the words "the Town and Country Planning (Scotland) Act, 1947"; for subsection (3) there shall be substituted the following subsection:—

"(3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has lodged and has not withdrawn objections in relation to any matter in question at the inquiry, and shall be published in such newspaper or newspapers as the Minister may direct";

and in subsection (7) after the word "orders" there shall be inserted the

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—*cont.*

Amendments.

8TH SCH.
—*cont.*

words " as to the expenses incurred by the Minister in relation to the inquiry (including such reasonable sum as the Minister may determine for the services of the person appointed to hold the inquiry) and ".

In section sixty-two, in subsection (1) for the definition of " appropriate Minister " there shall be substituted the following definition :—

" ' appropriate Minister ' , in relation to a statutory undertaking, has the same meaning as in the Town and Country Planning (Scotland) Act, 1947 ; "

for the definition of " local planning authority " there shall be substituted the following definition :—

" ' local planning authority ' means the local planning authority for the purposes of the Town and Country Planning (Scotland) Act, 1947 ; "

for the definition of " purchasing authority " there shall be substituted the following definition :—

" ' purchasing authority ' , means a Minister, the Central Land Board, a local planning authority or any statutory undertakers purchasing under Part III of the Town and Country Planning (Scotland) Act, 1947 ; "

for the definition of " statutory undertaking " there shall be substituted the following definition :—

" ' statutory undertaking ' has the same meaning as in the Town and Country Planning (Scotland) Act, 1947 ; "

and the following definition shall be added :—

" ' Central Land Board ' means the Central Land Board established under the Town and Country Planning Act, 1947, "

and after subsection (3) there shall be added the following subsection :—

" (4) Any reference in this Act to the Town and Country Planning (Scotland) Act, 1947, or to Part III of that Act shall be construed as including

8TH SCH.

—cont.

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33.—cont.

Amendments.

a reference to any provisions of this Act
incorporated with the said Part III."

In the First Schedule, in sub-paragraph (c)
of paragraph 1 for the word "thereof"
there shall be substituted the words
"of this Act."

In the Fourth Schedule, for sub-paragraphs
(a), (b) and (c) of paragraph 1, there shall
be substituted the following sub-
paragraphs:—

"(a) in respect of any decision given
under paragraph 1 of the Fifth Schedule
to the Town and Country Planning
(Scotland) Act, 1947, refusing per-
mission to develop operational land or
granting such permission subject to
conditions;

(b) in respect of any decision given by
a government department under para-
graph 2 of that Schedule refusing the
sanction of that department in respect
of any development of such land, or
directing that permission to develop
such land shall be deemed to be granted
subject to conditions;

(c) in respect of any order made
under paragraph 3 of that Schedule
revoking or modifying permission to
develop such land;

(d) in respect of any order made under
paragraph 4 of that Schedule in rela-
tion to such land;

(e) in respect of the extinguishment
of any right, or the imposition of any
requirement, under section twenty-
four of this Act as applied for the pur-
poses of Part III of the said Act;

(f) in respect of any such compulsory
purchase as is mentioned in subsection
(5) of section forty-two of the said
Act";

in sub-paragraph (4) of paragraph 2
after the words "modification of per-
mission" there shall be inserted the
words "or order under paragraph 4 of
the Fifth Schedule to the Town and
Country Planning (Scotland) Act, 1947";
and in sub-paragraph (3) of paragraph 3
for the words "authority or Minister"
there shall be substituted the word
"person."

Enactments amended.

The Town and Country
Planning (Scotland)
Act, 1945, 8 & 9
Geo. 6. c. 33—*cont.*

Amendments.

8TH SCH.

—*cont.*

In the Fifth Schedule, in paragraph 8, for heads (a) and (b) of sub-paragraph (1) there shall be substituted the words—

“ in land designated by a development plan under the Town and Country Planning (Scotland) Act, 1947, as subject to compulsory acquisition or land which is proposed to be acquired compulsorily under subsection (2) of section thirty-four or subsection (2) of section thirty-five of that Act ” ; for the words “ by an order under any enactment in Part I of this Act confirmed or made ” there shall be substituted the words “ under Part III of the Town and Country Planning (Scotland) Act, 1947 ” ; and for the words “ Part I of this Act ” there shall be substituted the words “ Part III of the Town and Country Planning (Scotland) Act, 1947 ” ; and in sub-paragraph (4) for the words “ Part I of this Act ” there shall be substituted the words “ Part III of the Town and Country Planning (Scotland) Act, 1947 ” .

In the Sixth Schedule, in sub-paragraph (2) of paragraph 1, and in sub-paragraph (2) of paragraph 3, for the words “ section sixteen of this Act ” there shall be substituted the words “ subsection (2) of section thirty-six of the Town and Country Planning (Scotland) Act, 1947 ” ; and in sub-paragraph (4) of paragraph 1, after the word “ modified ” there shall be inserted the words “ by the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ” ; in paragraph 2, and in sub-paragraph (6) of paragraph 3, for the words “ this Act ” there shall be substituted the words “ the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ” ; and in sub-paragraph (2) of the said paragraph 3 the words “ or the draft of the order or the application therefor as the case may be ” shall be omitted ; in paragraph 8, for the words “ Part I of this Act ” there shall be substituted the words “ the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ” ; and in paragraph 12, the words from “ and references to the confirmation ” to the end of the paragraph shall be omitted.

8TH SCH.

—cont.

Enactments amended.

The Distribution of Industry Act, 1945, 8 & 9 Geo. 6. c. 36.

The Requisitioned Land and War Works Act, 1945, 8 & 9 Geo. 6. c. 43.

The Trunk Roads Act, 1946, 9 & 10 Geo. 6. c. 30.

The Building Restrictions (War-Time Contraventions) Act, 1946, 9 & 10 Geo. 6. c. 35.

Amendments.

In the Second Schedule, for sub-paragraph (e) of paragraph 18 of Part V there shall be substituted the following paragraph :—

“(e) in paragraph 8 for the words from ‘a list compiled or approved’ to the end of the paragraph, there shall be substituted the words ‘a list compiled or approved under the provisions of section twenty-eight of the Town and Country Planning (Scotland) Act, 1947;”

and in sub-paragraph (g) of the said paragraph for the words “paragraph 14” there shall be substituted the words “paragraph 15”.

In section sixty, in subsection (3) for the words from “for any reference to the Town and Country Planning (Interim Development) Act, 1943,” to the words “Town and Country Planning (Interim Development) (Scotland) Act, 1943” there shall be substituted the words “for references to the Town and Country Planning Act, 1944, there shall be substituted references to the Town and Country Planning (Scotland) Act, 1945”, and in subsection (12) after the words “county or town council” there shall be inserted the words “and for the definition of ‘local planning authority’ there shall be substituted the following definition :—

“‘local planning authority’ means the local planning authority within the meaning of the Town and Country Planning (Scotland) Act, 1947.”

In section five, in subsection (1), for the words “by whom functions are exercisable under section one and section two of the said Act” there shall be substituted the words “within the meaning of section four of the principal Act”.

In section eight, in subsection (2), the words from “for references to the Town and Country Planning Act, 1932,” to the end of the subsection shall be omitted; and in subsection (5) after paragraph (b) there shall be inserted the following paragraphs :—

“(c) for the definition of ‘authority responsible for enforcing planning con-

Enactments amended.

The Building Restrictions
(War-Time Contraven-
tions) Act, 1946, 9 & 10
Geo. 6. c. 35.—*cont.*

Amendments.

8TH SCH.
—*cont.*

trol ' there were substituted the follow-
ing definition :—

" authority responsible for en-
forcing planning control " means, in
relation to any works on land or use
of land, the authority empowered
by virtue of section seventy-two of
the Town and Country Planning
(Scotland) Act, 1947, to serve an
enforcement notice in respect thereof
under Part II of that Act, or the
authority who would be so em-
powered if the works had been
carried out or the use begun other-
wise than in compliance with plan-
ning control ' ; and

(d) in subsection (5) for the words
from ' conferred by ' to the end of the
subsection there were substituted the
words ' conferred by section seventy-
two of the Town and Country Planning
(Scotland) Act, 1947 ' . "

The New Towns Act,
1946, 9 & 10 Geo. 6.
c. 68.

In section twenty-five, in subsection (5)
for paragraph (a) there shall be sub-
stituted the following paragraph :—

" (a) in subsection (2) for the words
from ' conferred by ' to ' development
order ' there shall be substituted the
words ' conferred by section eleven of
the Town and Country Planning
(Scotland) Act, 1947, a special develop-
ment order ' , "

and paragraphs (b) and (d) shall be
omitted ; and in subsection (8), for
paragraph (c) there shall be substituted
the following paragraph :—

" (c) in subsection (3) for th
words from ' compiled or approved ' to
' which relates ' there shall be substi-
tuted the words ' compiled or approved
under section twenty-eight of the Town
and Country Planning (Scotland) Act,
1947, which relates ' " .

In the Fifth Schedule, at the end of the
modification of section twenty-one of the
said Act there shall be added the words
" and in subsection (3) for the words
' the terms of an interim development
order ' to the end of the subsection there
shall be substituted the words ' planning

8TH SCH.
—cont.*Enactments amended.*

The New Towns Act,
1946, 9 & 10 Geo. 6.
c. 68.—*cont.*

Amendments.

permission granted under the Town and Country Planning (Scotland) Act, 1947"; and in the modification of section sixty-two of the said Act for the words "and 'loan charges' shall not apply" there shall be substituted the words "'interim development application,' 'interim development authority,' 'loan charges,' and 'planning scheme,' shall not apply," and for the definition of "local planning authority" there shall be substituted the following definition "'local planning authority' means the local planning authority for the purposes of the Town and Country Planning (Scotland) Act, 1947."

The Civil Aviation Act,
1946, 9 & 10 Geo. 6.
c. 70.

In section fifty-two, in paragraph (e) for the words from "for the reference" to "1945" there shall be substituted the words "for the words from the beginning of the subsection to 'effect' there shall be substituted the words 'section twenty-seven of the Town and Country Planning (Scotland) Act, 1945 (which relates to consecrated land and burial grounds) shall, as amended by the Town and Country Planning (Scotland) Act, 1947, have effect' and for the words 'Part I of that Act' there shall be substituted the words 'Part III of the last mentioned Act'."

The Acquisition of Land
(Authorisation Procedure) (Scotland) Act,
1947, 10 & 11 Geo. 6.
c. 42.

In section two, in subsection (6) for the words "that Act" there shall be substituted the words "Part III of the Town and Country Planning (Scotland) Act, 1947".

In section three, in subsection (2) for the words "1945, for the area" there shall be substituted the words "1947, for the district".

NINTH SCHEDULE.

Section 109.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS REPEALED AS FROM PASSING OF THIS ACT.

Session and Chapter.	Enactment repealed.	Extent of Repeal.
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	In section twenty-three, in subsection (2) the words from "and section fifty-three" to the end of the subsection; in section twenty-five, in paragraph (b) of subsection (2), the words from "including," to the end of the paragraph; sections fifty-three to fifty-eight; in section sixty-one, the words "except in so far as is otherwise provided by this Act"; in the Sixth Schedule, in sub-paragraph (4) of paragraph 1, the words "(and as amended by Part II of this Act)", and in sub-paragraph (1) of paragraph 5 the words "or the amount of any sum payable as a supplement thereto" and the words "together, if any sum is payable as a supplement thereto, with the amount of that sum"; and the Seventh and Eighth Schedules.
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act, 1945.	In section forty-one, subsection (7), and paragraph (c) of subsection (8).
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	In section four, in subsection (7) the words from "and that Part II" to the end of the subsection, and in section twenty-five, paragraph (d) of subsection (6).
9 & 10 Geo. 6. c. 70.	The Civil Aviation Act, 1946.	In the Third Schedule, paragraph 10, and sub-paragraph (c) of paragraph 14; in the Fourth Schedule, paragraphs 4 and 5, paragraph (b) of the proviso to paragraph 6, and sub-paragraphs (b) to (d) of paragraph 14; and in the Sixth Schedule, paragraphs 2 and 3, paragraph (b) of the proviso to paragraph 4, and sub-paragraphs (a) to (c) of paragraph 8.

9TH SCH.
—cont.

PART II.

ENACTMENTS REPEALED AS FROM APPOINTED DAY.

Session and Chapter.	Enactment repealed.	Extent of repeal.
52 & 53 Vict. c. 27.	The Advertising Stations (Rating) Act, 1889.	Section five.
3 Edw. 7. c. 33	The Burgh Police (Scotland) Act, 1903.	Sections seventy-six, seventy-seven and seventy-eight, and paragraph (6) of section ninety-three.
7 Edw. 7. c. 27	The Advertisements Regulation Act, 1907.	The whole Act.
15 & 16 Geo. 5. c. 52.	The Advertisements Regulation Act, 1925.	The whole Act.
15 & 16 Geo. 5. c. 68.	The Roads Improvement Act, 1925.	In section five, the proviso to subsection (7), and in section twelve, in paragraph (a) the words from "and a reference" to the end of the paragraph.
18 & 19 Geo. 5. c. 32.	The Petroleum (Consolidation) Act, 1928.	Section eleven and paragraph (2) of section twenty-four.
20 & 21 Geo. 5. c. 40.	The Housing (Scotland) Act, 1930.	In section twelve, in subsection (2), the words "and of any planning scheme in operation in the area." In section eighteen, in subsection (2), and in section twenty-one, in subsection (3), the words "and of any town planning scheme in operation in the area." In section forty-nine, in subsection (1), the definition of "town planning scheme".
21 & 22 Geo. 5. c. 16.	The Ancient Monuments Act, 1931.	Section two and in section sixteen, in subsection (1), the words from "the Town Planning (Scotland) Act, 1925" to the words "the Town Planning Act, 1925", and subsection (4).
22 & 23 Geo. 5. c. 49.	The Town and Country Planning (Scotland) Act, 1932.	The whole Act.
25 & 26 Geo. 5. c. 41.	The Housing (Scotland) Act, 1935.	In section seventeen, in subsection (3), the words "and of any planning scheme in operation in the area." In the Fifth Schedule, in Part I, in the subsection substituted for subsection (2) of section twelve of the Housing (Scotland) Act, 1930, the words "and of any planning scheme in operation in the area."

Session and Chapter.	Enactment repealed.	Extent of repeal.
25 & 26 Geo. 5. c. 41.— <i>cont.</i>	The Housing (Scotland) Act, 1935.— <i>cont.</i>	Part II of the Fifth Schedule so far as relating to section forty-nine of the Housing (Scotland) Act, 1930.
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	Sections one to three; sections five to twelve; in paragraph (a) of subsection (3) of section thirteen the words from "or which is for the time being" to the end of that paragraph, section fifteen; subsection (2) of section nineteen, subsection (1) of section twenty-three; subsection (1) of section twenty-four except the definitions of "building", "chief officer of police", "land", "middle of the road", "Minister", "owner", "place of public resort", "proposed road", "road", and "statutory undertakers", and subsection (2) of that section, and the First, Second and Third Schedules.
1 Edw. 8 & 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	Subsections (2) to (5) of section four, and in the Fourth Schedule, paragraphs 1 to 4, and in paragraph 5, the words from "subject to restrictions in force" to the words "expenses incurred in so doing", and the proviso to that paragraph.
2 & 3 Geo. 6. c. 22.	The Camps Act, 1939.	Subsection (2) of section three; in section seven, in paragraph (a), the words from "for references to the Town and Country Planning Act, 1925," to the words "Town and Country Planning (Scotland) Act, 1932."
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	Section seventy, and in section ninety-one, in subsection (17), the words from "and for any reference to the Town and Country Planning Act, 1932," to the words "the Town and Country Planning (Scotland) Act, 1932."
6 & 7 Geo. 6. c. 34.	The Restriction of Ribbon Development (Temporary Development) Act, 1943.	The whole Act.

9TH SCH.
—cont.

Session and Chapter.	Enactment repealed.	Extent of repeal.
6 & 7 Geo. 6. c. 43.	The Town and Country Planning (Interim Development) (Scotland) Act, 1943.	The whole Act except section thirteen.
9 & 10 Geo. 6. c. 18.	The Statutory Orders (Special Procedure) Act, 1945.	The Second Schedule so far as relating to sections thirteen to fifteen, thirty-four and thirty-five of, and the Second and Third Schedules to, the Town and Country Planning (Scotland) Act, 1945.
8 & 9 Geo. 6. c. 33.	The Town and Country Planning (Scotland) Act, 1945.	Sections one to seventeen; subsections (3) and (7) of section nineteen; section twenty; sections thirty to forty-five; section forty-seven; section forty-nine; section fifty A except subsection (4); sections fifty-one and fifty-two; section sixty; in subsection (1) of section sixty-two the definitions of "clearing", "first local advertisement", "interim development application", "interim development authority", "loan charges", "local highway authority", "planning scheme", "purchase order providing for expedited completion", "Valuation Office", "valuation roll" and "war damage"; sub-paragraphs (1) (a), (1) (b) and (1) (d) of paragraph 1 and the word "or," at the end of sub-paragraph (a) and sub-paragraph (b) of paragraph 3 of the First Schedule; the Second and Third Schedules; the Fifth Schedule except paragraph 8, and in paragraph 12 of the Sixth Schedule the words from "and references to the confirmation," to the end of the paragraph.
8 & 9 Geo. 6. c. 36.	The Distribution of Industry Act, 1945.	Sections six, nine and ten.
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act, 1946.	In section three, the proviso to subsection (2), and subsection (3); in section four, in subsection (2), the words from "and without prejudice" to the end of the subsection; in section eight, subsection (5); in section

Session and Chapter.	Enactment repealed.	Extent of repeal.
9 & 10 Geo. 6. c. 30.— <i>cont.</i>	The Trunk Roads Act, 1946.— <i>cont.</i>	twelve subsection (2) ; in section fourteen, subsection (2) ; and in the Third Schedule, in the amendment of section four of the Trunk Roads Act, 1936, the words from the beginning to " as the case may be." Subsection (2) of section four.
9 & 10 Geo. 6. c. 35.	The Building Restrictions (War-Time Contraventions) Act, 1946.	
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act, 1946.	The Fourth Schedule so far as relating to the Town and Country Planning (Scotland) Act, 1932.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Subsections (3) and (4) of section three, and the Third Schedule.
10 & 11 Geo. 6. c. 42.	The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	Paragraph (f) of subsection (4) of section one ; in section two in subsection (1), the words " or of the Town and Country Planning (Scotland) Act, 1945 " ; and in subsection (4) the words " the Town and Country Planning (Scotland) Act, 1945 " ; and in the Second Schedule, in paragraph 8, the words " or in subsection (4) of section seventeen of the Town and Country Planning (Scotland) Act, 1945 ".

9TH SCH.
—*cont.*

TENTH SCHEDULE.

Section 109.

TRANSITORY PROVISIONS AND PROVISIONS CONSEQUENTIAL
ON REPEALS.

1. Any application for permission to develop land made to the interim development authority before the appointed day under section ten of the Act of 1932, and any application for permission to develop land made to the responsible authority under a planning scheme, being in either case an application which has not been determined by that authority before that day, shall be treated for the purposes of this Act as an application made thereunder to the local planning authority for planning permission for the like development, and shall be treated as having been so made on the appointed day.
2. Where an application for any such permission as aforesaid, made to the interim development authority or the responsible authority before the appointed day, has been determined by that authority before

10TH SCH.
—cont.

that day and no appeal has been brought against the decision, then if the period during which such an appeal could have been brought before the appointed day has not expired, the decision of the interim development authority or the responsible authority, as the case may be, shall be treated for the purposes of section fourteen of this Act as the decision of the local planning authority on an application for planning permission.

3. Any appeal to the Secretary of State from the decision of the interim development authority or the responsible authority on any such application as aforesaid which is pending on the appointed day shall be treated as an appeal to the Secretary of State under section fourteen of this Act :

Provided that where under subsection (5) of section ten of the Act of 1932, any such hearing as is required by that subsection has been held before the appointed day, the proviso to subsection (2) of section thirteen of this Act shall not apply in relation to the appeal.

4. Any direction given before the appointed day under section six of the Town and Country Planning (Interim Development) (Scotland) Act, 1943, requiring any such application as aforesaid to be referred to the Secretary of State shall be treated as a direction given by the Secretary of State to the local planning authority under section thirteen of this Act :

Provided that where, under subsection (1) of section six of the Town and Country Planning (Interim Development) (Scotland) Act, 1943, any such hearing as is required by that subsection has been held before the appointed day, the proviso to subsection (2) of section thirteen of this Act shall not apply in relation to the application.

5. Any order made before the appointed day by an authority empowered in that behalf by an interim development order in pursuance of subsection (8) of section ten of the Act of 1932 and any order made before that day by the Secretary of State under subsection (2) of section thirty-eight of the Act of 1945, shall continue in force after that day and have effect as if it were included in a development order in pursuance of subsection (4) of section eleven of this Act.

6. Notwithstanding the repeal by this Act of the Act of 1932 any scheme made under that Act and any such scheme as is mentioned in section fifty-three of that Act, being a scheme which is in force immediately before the appointed day, shall, so far as it relates to the following matters, that is to say—

- (a) the designation of responsible authorities ;
- (b) the preservation of trees and the protection of woodlands ;
- (c) the execution of street works, and the recovery of charges in respect thereof, by the responsible authority ; and
- (d) the suspension of any enactment contained in a local Act or of any byelaws, orders or regulations ;

continue in force until it is determined, in relation to any such matter as aforesaid, by an order made by the Secretary of State, and the provisions of that Act, or of the Town Planning (Scotland) Act, 1925, the case may be, shall have effect in relation to any such scheme accordingly.

7. Any order made by the Secretary of State under the last foregoing paragraph may make such provision as the Secretary of State considers expedient for winding up the scheme.

10TH SCH.
—cont.

8. Any order made under subsection (2) of section two of the Act of 1932, transferring powers and duties to the town council of a small burgh, being an order which is in force immediately before the appointed day, shall continue in force and have effect notwithstanding the repeal by this Act of the Act of 1932.

9. Notwithstanding the repeal by this Act of section seventeen of the Act of 1932 and sections forty-one and forty-two of the Act of 1945—

(a) any order made by a local authority under the said section seventeen which is in force immediately before the appointed day shall, so far as is consistent with the provisions of section twenty-seven of this Act, continue in force and have effect as if it had been made by the local planning authority under that section ; and any such order may be amended or revoked under this Act accordingly ;

(b) any list compiled or approved by the Secretary of State under the said section forty-one before the appointed day shall continue in force and have effect as if it had been compiled or approved by him under section twenty-eight of this Act, and may be amended under that section accordingly, and subsection (5) of the said section twenty-eight shall apply to any copy of any such list or of amendments thereto deposited before the appointed day with the clerk of the local planning authority.

10. Subject as hereinafter provided, any agreement for restricting the development or use of land made under section thirty-three of the Act of 1932 with any such authority as is mentioned in subsection (2) of that section, or made or having effect as if made under any provision of a planning scheme with the responsible authority for the purposes of the scheme, shall, if in force on the appointed day, continue in force in accordance with the terms thereof and may be enforced under the said section thirty-three or under the scheme as the case may be :

Provided that—

(a) nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which any such agreement applies, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Secretary of State under section thirty-three of this Act or as requiring the exercise of any such powers otherwise than as aforesaid ;

(b) if the Secretary of State is satisfied, on application made to him by any person, being a party to any such agreement, or a person entitled to land affected thereby, that any restriction on the development or use of the land imposed by the agree-

10TH SCH.
—cont.

ment is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient ;

- (c) without prejudice to the provisions of sub-paragraph (b) of this proviso, if any person, being a party to any such agreement (whether as originally made or as modified under that sub-paragraph), or a person entitled to land affected thereby, claims that the agreement ought to be modified or rescinded having regard to the provisions of this Act or anything done thereunder, he may refer to arbitration the question whether the agreement should be so modified or rescinded, and the arbiter may make such award as appears to him to be just having regard to all the circumstances.

11. Where any such agreement as is mentioned in the last foregoing paragraph is modified or rescinded (whether by agreement or by virtue of the exercise of any powers conferred by sub-paragraph (b) or (c) of the proviso to that paragraph) at any time within three years after the appointed day, then if it appears to the Secretary of State that it is reasonable so to do having regard to the terms on which the agreement was made and to any loss or damage sustained by any person having an interest in land affected by the agreement by reason of the provisions of this Act or of anything done thereunder, he may direct that the development value of that interest in the land, or in any part thereof, shall be calculated for the purposes of Part V of this Act as if the agreement had been so modified or rescinded immediately before the appointed day.

12. The repeal of section fifty of the Act of 1932 shall not affect the rights of any person arising under that section in consequence of any event occurring before the appointed day.

13. Provision may be made by regulations under this Act for securing—

- (a) that any application to a highway authority under the Restriction of Ribbon Development Act, 1935, for any consent which that authority have power to give under section one or section two of that Act, being an application which has not been determined by that authority before the appointed day, shall be treated for the purposes of this Act as an application made thereunder to the local planning authority for planning permission, and shall be treated as having been so made on the appointed day ;
- (b) that any decision of a highway authority on an application for such a consent under the Restriction of Ribbon Development Act, 1935, shall, unless the applicant has appealed against that decision under section seven of that Act before the appointed day, be treated for the purposes of section fourteen of this Act as if it were the decision of a local planning authority on an application for planning permission, and as if notification of it had been received by the applicant on the appointed day ; and

- (c) that any appeal taken to the Minister of Transport under section seven of that Act which is pending on the appointed day shall be treated as an appeal to the Secretary of State under section fourteen of this Act :

10TH SCH.
—cont.

Provided that where under the said section seven any such local inquiry as is required by that section has been held before the appointed day, the proviso to subsection (2) of section thirteen of this Act shall not apply in relation to the appeal.

14. Notwithstanding the repeal by this Act of the Restriction of Ribbon Development (Temporary Development) Act, 1943, an Order in Council may be made under subsection (6) of section one of that Act for appointing the date on which the present war period within the meaning of that Act is to end. ^{6 & 7 Geo. 6. c. 34.}

15. Notwithstanding the repeal by this Act of section eight of the Town and Country Planning (Interim Development) (Scotland) Act, 1943, any order made by an interim development authority under that section for the preservation of trees and woodlands pending the coming into operation of a scheme under the Act of 1932, being an order which is in force immediately before the appointed day, shall, so far as is consistent with the provisions of section twenty-six of this Act, continue in force and have effect as if it had been made by the local planning authority under that section, and as if for references therein to the interim development authority there were substituted references to the local planning authority ; and any such order may be amended or revoked under this Act accordingly.

16. Where, at any time before the appointed day, application has been made to the Secretary of State for an order under section one of the Act of 1945 declaring any land to be subject to compulsory purchase under Part I of that Act, the Secretary of State may, if he thinks fit, direct that proceedings on the application shall be continued under that Act after that day ; and where any such direction is given, section one of the Act of 1945 and section thirteen of that Act and the First Schedule to that Act so far as they relate to an order under the said section one shall continue to apply in relation to the application and an order may be made thereon accordingly.

17. Where any order has been made before the appointed day under section one of the Act of 1945 declaring any land to be subject to compulsory purchase under Part I of that Act, or where any such order has been made after the appointed day by virtue of the last foregoing paragraph, the provisions of Part III of this Act shall apply as if the land were comprised in an area defined by the development plan as an area of comprehensive development, and were designated in the said plan as subject to compulsory acquisition under this Act, and section fifteen of the Act of 1945 (which relates to the validity and date of operation of such orders) shall, notwithstanding the repeal of that section, apply in relation to any such order :

Provided that—

- (a) this paragraph shall not apply to any operational land of statutory undertakers unless an order made under paragraph (b) of subsection (5) of section thirteen of the Act of 1945 declaring that it is expedient that the land should be subject to compulsory acquisition has taken effect ;

10TH SCH.
—*cont.*

- (b) nothing in this paragraph shall be construed as restricting the power of the Minister of Works or the Postmaster General to acquire any land to which this paragraph applies under subsection (2) of section thirty-four of this Act.

18. Any compulsory purchase order made or prepared in draft under Part I of the Act of 1945 before the appointed day may be confirmed or made in accordance with the provisions of that Part after that day, and any such order, and any compulsory purchase order confirmed or made under that Part before the appointed day, shall continue in force and have effect as if it had been made under the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, as applied by Part III of this Act.

19. For the purposes of the Act of 1945 as amended by this Act—

- (a) any land acquired by a Minister in pursuance of any such order as is mentioned in the last foregoing paragraph shall be deemed to have been acquired under section thirty-four of this Act ;
- (b) any land acquired by a local planning authority in pursuance of any such order as aforesaid shall be deemed to have been acquired under section thirty-five of this Act ;
- (c) any land acquired by a local planning authority by agreement under the Act of 1945 shall be deemed to have been acquired under section thirty-seven of this Act.

20. Any question relating to the development of land referred to the Secretary of State before the appointed day in pursuance of directions given under section thirty-one of the Act of 1945 which has not been decided before that day shall be treated as an application made to him for planning permission for such development in pursuance of regulations made under section thirty-two of this Act :

Provided that, where any such hearing as is required by subsection (1) of the said section thirty-one has been held before the appointed day, any provision of Part II of this Act, as applied by the said regulations, requiring a hearing shall not apply in relation to that question.

Section 109.

ELEVENTH SCHEDULE.

UNREPEALED PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1945, REPRINTED AS AMENDED BY THIS ACT.

Disposal or appropriation by local planning authority of land held by them for purposes of Part III of the Town and Country Planning (Scotland) Act, 1947.

18.—(1) The following provisions of this section shall have effect with respect to the disposal or appropriation by a local planning authority of land which has been acquired under section thirty-five or thirty-seven of the Town and Country Planning (Scotland) Act, 1947, or appropriated for purposes for which land can be acquired under those sections, and is for the time being held by the authority for the purposes for which it was acquired or appropriated.

(2) Subject to the provisions of subsection (4) of this section, the authority may dispose of any such land to such person, in such manner and subject to such conditions as may appear to them to be expedient

in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority; and subject to the provisions of subsection (5) of this section any land so disposed of shall not, except with the consent of the Secretary of State, be disposed of otherwise than at the best price or on the best terms that can reasonably be obtained.

11TH SCH.
—cont.

(3) Subject to the provisions of subsection (4) of this section, the authority may appropriate any such land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment other than Part III of the Town and Country Planning (Scotland) Act, 1947.

(4) The consent of the Secretary of State shall be requisite to any disposal or appropriation of land by a local planning authority under this section, and may be given as respects either a particular disposal or appropriation or disposals or appropriations of any class, and either subject to or free from any conditions or limitations.

(5) The powers conferred by this section on a local planning authority in respect of the disposal of land thereunder, and on the Secretary of State in respect of consent to such disposal, shall in the case of land comprised in an area defined by a development plan as an area of comprehensive development be so exercised as to secure so far as may be practicable to persons who were living, or carrying on business or other activities, on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(6) Where land is disposed of under this section by a local planning authority to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.

(7) Where representations are made to the Secretary of State—

- (a) that a local planning authority have refused to dispose of any land under this section to any person or to agree with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him; and
- (b) that the refusal constitutes unfair discrimination against that person or is otherwise oppressive,

the Secretary of State may cause the representations to be intimated to the authority; and after considering any statement in writing made to him by the authority, the Secretary of State may, if he thinks fit, cause a public local inquiry to be held and after considering the report of the person appointed to hold the inquiry (if any), may, if it appears

11TH SCH.
—cont.

to him that the representations are well founded and that it is expedient as mentioned in subsection (2) of this section that the authority should dispose of the land under this section to that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.

(8) In the exercise of the powers conferred by this section, a local planning authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular buildings included in any list compiled or approved under the provisions of section twenty-eight of the Town and Country Planning (Scotland) Act, 1947, and the Secretary of State shall not give his consent to the disposal or appropriation under this section of any land comprising a building included in such a list unless either—

- (a) the consent is given subject to such conditions or limitations as in the opinion of the Secretary of State will secure the preservation of the building; or
- (b) the Secretary of State is satisfied, after causing such particulars as appear to him requisite of the disposal or appropriation for which his consent is sought to be published by Gazette and local advertisement not less than twenty-eight days before he gives his decision on the application for his consent, that the purpose which the local planning authority seek to achieve by the proposed exercise of their powers under this section is one which ought in the public interest to be carried out, and either that the preservation of the building would prevent the carrying out of that purpose, whether by the use of the land in question or otherwise, or that the effect of preserving the building on the carrying out as aforesaid of the said purpose would be such that notwithstanding the desirability of preserving the building it is inexpedient so to do.

In this subsection the expression “preservation,” in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

(9) In this section (except in subsection (6)) references to disposal of land shall be construed as references to disposal thereof in any manner (otherwise than by appropriation) whether by way of sale, feu, excambion or lease, by the creation of any servitude, right or privilege, or in any other manner, except disposal by way of gift or in security.

(10) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of any enactment, other than Part III of the Town and Country Planning (Scotland) Act, 1947, by virtue of or under which the authority are or may be authorised to dispose of or appropriate land held by them.

19.—(1) The functions of a local planning authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of such a body by virtue of its constitution, to erect, construct or carry out on any such land as is mentioned in subsection (1) of section eighteen of this Act any building or work not being a building or work for the erection, construction or carrying out of which, whether by them or by any other person, statutory power already exists by virtue of or under an enactment other than Part III of the Town and Country Planning (Scotland) Act, 1947, or could be conferred under an enactment other than Part III of the Town and Country Planning (Scotland) Act, 1947.

11TH SCH.
—*cont.*

Power of local planning authority to carry out development of land held by them for purposes of Part III of the Town and Country Planning (Scotland) Act, 1947.

(2) The consent of the Secretary of State shall be requisite to any exercise by a local planning authority of the power conferred on them by the preceding subsection, and may be given as respects either a particular operation or operations of any class, and either subject to or free from any conditions or limitations.

(4) Where a local planning authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Secretary of State of their proposal, and the Secretary of State may direct such advertisement by the authority as appears to him to be requisite for the purposes of subsection (2) of this section.

(5) The functions of a local planning authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain and insure any buildings or works on such land as is mentioned in the said subsection (1), and generally to deal therewith in a proper course of management.

(6) Subsection (8) of the last preceding section shall apply to the power conferred on a local planning authority by subsection (1) of this section as it applies to the powers conferred by that section, with the substitution for references to the disposal or appropriation of land of references to the carrying out of any such operation as is mentioned in subsection (1) of this section.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning authority which is actionable at the instance of any person on any ground other than such limitation as is mentioned in subsection (1) of this section.

21.—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act or which has been acquired by the Central Land Board under section forty of the Town and Country Planning (Scotland) Act, 1947, whether done by the local planning authority or by any person deriving title from the local planning authority or from the Board, as the case may be, shall be deemed to be authorised by this section if it conforms with planning control notwithstanding that it involves interference with any servitude or any right over land or any breach of any restriction as to the use of land arising by virtue of any deed or contract, but subject to payment

Authorisation of development on land acquired for purposes of Part III of the Town and Country Planning (Scotland) Act, 1947, notwithstanding interference with servitudes, etc.

11TH SCH.
—cont.

of compensation under section sixty-one of the Lands Clauses Consolidation (Scotland) Act, 1845, or under section six of the Railways Clauses Consolidation (Scotland) Act, 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase under those Acts or the injury arises from the execution of works on land acquired under those Acts:

Provided that nothing in this subsection shall authorise interference with any such right as is mentioned in section twenty-four of this Act.

(2) Any liability of a person deriving title from the local planning authority by whom the land in question was acquired or appropriated or from the Central Land Board to pay such compensation as aforesaid which that person fails to discharge shall be enforceable against that authority or against the Board, as the case may be:

Provided that nothing in this subsection shall be construed as affecting any agreement between the authority or Board and any other person for indemnifying the authority or Board against any liability under this subsection.

(3) For the purposes of subsection (1) of this section, the erection, construction or carrying out, or maintenance, of any building or work shall be treated as conforming with planning control if it is done in accordance with planning permission granted under the Town and Country Planning (Scotland) Act, 1947, and not otherwise.

(4) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person which is actionable at the instance of any person on any ground other than such interference or breach as is mentioned in subsection (1) of this section.

(5) In this section the expression "right over land" means any liberty, privilege, right or advantage annexed to land and adversely affecting other land, and includes a natural right of support.

Power to
extinguish
highways over
land acquired
for purposes
of Part III of
the Town and
Country
Planning
(Scotland)
Act, 1947.

22.—(1) The Secretary of State may by order extinguish any public right of way over any such land as is mentioned in subsection (1) of section eighteen of this Act, if he is satisfied that a suitable alternative right of way has been or will be provided or that the provision thereof is not required.

(2) The Sixth Schedule to the Town and Country Planning (Scotland) Act, 1947, shall apply to an order under this section as it applies to an order under section forty-six of that Act, and the said Schedule shall, in its application to an order under this section, have effect as if for any reference therein to the Minister of Transport there were substituted a reference to the Secretary of State.

(3) The Minister of Transport or a local highway authority may be authorised to acquire land compulsorily for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under this section; and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply to the compulsory acquisition of land under this subsection, and accordingly shall have effect—

11TH SCH.
—cont.

- (a) as if this subsection had been in force immediately before the commencement of that Act;
- (b) as if this subsection were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act:

Provided that section two of the said Act shall not apply to the compulsory acquisition of land under this subsection.

(4) Where on the application of a local planning authority an order is made under this section extinguishing a public right of way, and at the time of publication of the notice required by paragraph 1 of the Sixth Schedule to the Town and Country Planning (Scotland) Act, 1947, there was under, in, upon, over, along or across the land over which the right of way subsisted any telegraphic line belonging to or used by the Postmaster-General,—

- (a) the power of the Postmaster-General to remove the line shall be exercisable notwithstanding the making of the order, so, however, that the said power shall not be exercisable, as respects the whole or any part of the line, after the expiration of a period of three months from the date on which the right of way is extinguished unless before the expiration of that period the Postmaster-General has given notice to the local planning authority of his intention to remove the line or that part thereof, as the case may be;
- (b) the Postmaster-General may by notice to the local planning authority in that behalf abandon the said line or any part thereof, and shall be deemed, as respects the line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) the Postmaster-General shall be entitled to recover from the local planning authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster-General may require;
- (d) where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line, it shall vest in the local planning authority, and the provisions of the Telegraph Acts, 1863 to 1943, shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

11TH SCH.
—cont.

In this subsection the expression " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

(5) Regulations made under the Town and Country Planning (Scotland) Act, 1947, may provide for securing that any proceedings required to be taken for the purposes of an order under this section may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or for securing that any proceedings required to be taken for the purpose of the acquisition of any other land under subsection (3) of this section may be taken concurrently with either or both of the said proceedings.

Extinguishment of private ways, servitudes, and rights as to apparatus, over or in land purchased for purposes of Part III of the Town and Country Planning (Scotland) Act, 1947.

23.—(1) Upon the completion by the purchasing authority of a compulsory purchase under Part III of the Town and Country Planning (Scotland) Act, 1947, of any land, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land and all other rights or servitudes in or relating to that land shall be extinguished and any such apparatus shall vest in the purchasing authority:

Provided that this section shall not apply to any right vested in, or any apparatus belonging to, the person carrying on a statutory undertaking for the purpose of the carrying on thereof, and shall have effect as respects other matters subject to any direction given by the purchasing authority before the completion of the purchase that this section shall not apply to any right or apparatus specified in the direction and subject to any agreement which may be made (whether before or after the completion of the purchase) between the purchasing authority and the person in or to whom the right or apparatus in question is vested or belongs.

(2) Any person who suffers loss by the extinguishment of any right or servitude or the vesting of any apparatus under this section shall be entitled to be paid by the purchasing authority compensation, to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Expenses incurred by a Minister or the Central Land Board in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

Extinguishment of rights of way, and rights as to apparatus of statutory undertakers.

24.—(1) Where there subsists over land which has been acquired by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act any right of way or any right of laying down, erecting, continuing or maintaining any apparatus on under or over the land, or there is on under or over any such land any apparatus, vested in or belonging to the person carrying on a statutory undertaking for the purpose of the carrying on thereof, the purchasing or appropriating authority may serve on the said person a notice that at the expiration of such period as may be specified in the notice the right will be extinguished, or requiring that before the expiration of such period as may be so specified the apparatus shall be removed.

IIITH SCH.
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(2) A person on whom a notice is served under the preceding subsection may before the expiration of twenty-eight days from the service of the notice serve a counter-notice on the purchasing or appropriating authority stating that he objects to all or any of the provisions of the notice and specifying the grounds of his objection.

(3) If no counter-notice is served under the last preceding subsection, any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and if at the end of the period so specified in relation to any apparatus any requirement of the notice as to the removal of the apparatus has not been complied with, the purchasing or appropriating authority may remove the apparatus and dispose thereof in any way they or he may think fit.

(4) If a counter-notice is served under subsection (2) of this section on a local planning authority, or on statutory undertakers, the authority or undertakers may either withdraw the notice (without prejudice, however, to the service of a further notice) or apply to the Secretary of State and the appropriate Minister for an order embodying, either with or without modification, the provisions of the notice, and the Secretary of State and the appropriate Minister may if they think fit, after affording to the person carrying on the undertaking on whom the notice was served under subsection (1) of this section an opportunity of objecting to the application and, if any objection is made, after causing an inquiry to be held, make an order in accordance with the application, either with or without modification.

(5) If a counter-notice is served under subsection (2) of this section on a Minister or the Central Land Board, either he or they may withdraw the notice (without prejudice, however, to the service of a further notice) or he or they and the appropriate Minister may make an order embodying, either with or without modification, the provisions of the notice.

Where a Minister and the appropriate Minister or the Central Land Board and the appropriate Minister propose to make an order under this subsection, they shall prepare a draft of the order and shall afford to the person carrying on the undertaking an opportunity of objecting to the proposal and, if any objection is made, shall cause an inquiry to be held, and may then make an order in accordance with the draft, either with or without modification.

(6) Subsection (3) of this section shall apply to an order made under either of the two last preceding subsections as it applies to a notice in respect of which no counter-notice is served, but with the substitution for references to a notice of references to an order.

(7) Where an objection to an order under subsection (4) or (5) of this section is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(8) In respect of the extinguishment of any right, or the imposition of any requirement, under this section, the person carrying on a

11TH SCH.
—cont.

statutory undertaking shall be entitled to recover from the purchasing or appropriating authority at whose instance the right was extinguished or the requirement was imposed compensation in accordance with Part I of the Fourth Schedule to this Act.

(9) Expenses incurred by a Minister or the Central Land Board in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

Extension and
modification of
powers and
duties of
statutory
undertakers.

25.—(1) Where it appears to the Secretary of State and the appropriate Minister, on a representation made by the person carrying on a statutory undertaking, that—

- (a) in order to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for any purpose in connection with which a local planning authority or a Minister may be authorised under Part III of the Town and Country Planning (Scotland) Act, 1947, to acquire land, or
- (b) in order to facilitate any adjustment of the carrying on of the undertaking necessitated by the acquisition under Part III of the Town and Country Planning (Scotland) Act, 1947, of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking, or necessitated by the extinguishment of any right, or the imposition of any requirement, under the last preceding section, or necessitated by a decision on an application made under the Town and Country Planning (Scotland) Act, 1947, by a person carrying on the undertaking for permission to develop any such land, or by the revocation or modification of permission granted on such an application, or by the making of an order under section twenty-four of that Act in relation to any such land,

it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Secretary of State and the appropriate Minister may by order provide for such extension or modification of the said powers and duties as appears to them to be requisite in order to secure the provision of services as mentioned in paragraph (a) of this subsection, or to facilitate the adjustment of the undertaking as mentioned in paragraph (b) of this subsection, as the case may be.

(2) Without prejudice to the generality of the provisions of the preceding subsection, an order under the preceding subsection may provide—

- (a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land specified in the order and to erect or construct any buildings or works so specified;
- (b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works;

- (c) for giving effect, where it has been represented that the making of the order is expedient for the purposes of paragraph (a) of the preceding subsection, to such financial arrangements between the local planning authority or the Minister and the person carrying on the undertaking as they may agree or, in default of agreement, as may be determined to be equitable in such manner and by such tribunal as may be specified in the order;

11TH SCH.
—*cont.*

and for such incidental and supplemental matters (including the amendment or repeal of any provision in any local enactment) as appear to the Secretary of State and the appropriate Minister to be expedient for the purposes of the order.

(3) As soon as may be after making a representation under subsection (1) of this section, the person carrying on the undertaking in question shall publish, in such form and manner as may be directed by the Secretary of State and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time (not being less than twenty-eight days) within which, and the manner in which, objection to the making of an order on the representation may be made, and shall serve a like notice on any persons appearing from the valuation roll to have an interest in any land to which the representation relates, and if it is so directed by the Secretary of State and the appropriate Minister, shall also serve a like notice on such other persons, or persons of such classes, as may be so directed.

(4) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the Secretary of State and the appropriate Minister may, if they think fit, make an order.

(5) A local planning authority or Minister may represent to the Secretary of State and the appropriate Minister that the making of an order under subsection (1) of this section as respects any statutory undertaking is expedient for the purpose of securing the provision of new services, or the extension of existing services, for any purpose in connection with which the authority or Minister may be authorised under Part III of the Town and Country Planning (Scotland) Act, 1947, to acquire land, and where such a representation is made the preceding provisions of this section shall have effect as if the representation had been made by the person carrying on the undertaking in question, but with the substitution in subsection (3) for the reference to the person carrying on the undertaking of a reference to the local planning authority or Minister.

(6) An order under this section shall be subject to special parliamentary procedure.

11TH SCH.

—cont.

Relief of statutory undertakers from obligations rendered impracticable by exercise of powers of Part III of the Town and Country Planning (Scotland) Act, 1947.

26.—(1) Where on a representation in that behalf made by the person carrying on a statutory undertaking the appropriate Minister is satisfied that—

- (a) the compulsory purchase under Part III of the Town and Country Planning (Scotland) Act, 1947, of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking;
- (b) a decision on an application under Part II of the said Act by a person carrying on the undertaking for permission to develop any such land or the revocation or modification of planning permission granted on such an application or the making of an order under section twenty-four of that Act in relation to any such lands; or
- (c) the extinguishment under Part III of that Act of any right, or the imposition of any requirement as to the removal of apparatus, vested in or belonging to the said person,

has rendered impracticable the fulfilment of any obligation of the said person incurred in connection with the carrying on of the undertaking, the appropriate Minister may by order direct that the said person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

(2) As soon as may be after making a representation to the appropriate Minister under the preceding subsection, the person carrying on the undertaking in question shall, as may be so directed by the appropriate Minister, either publish in such form and manner as may be so directed a notice giving such particulars as may be directed of the matters to which the representation relates and specifying the time (not being less than twenty-eight days) within which and the manner in which objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

(3) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the appropriate Minister may, if he thinks fit, make an order.

(4) If any objection to the making of an order under this section is made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(5) In relation to an order made under this section, subsections (1) to (4) of section nine of the Town and Country Planning (Scotland) Act, 1947, shall apply, subject to any necessary modifications, as they apply in relation to a development plan approved by the Secretary of State under that Act, and accordingly the said subsection (1) shall have effect as if for the reference therein to the local planning authority there were substituted a reference to the appropriate Minister:

Provided that where any such order is subject to special parliamentary procedure, then—

XITH SCH.
—cont.

- (a) if the order is confirmed by Act of Parliament under subsection (4) of section two, as read with section ten of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act, subsections (2) and (3) of the said section nine shall not apply;
- (b) in any other case those subsections shall have effect in relation to the order as if in subsection (2) for the reference to the date on which the notice required by subsection (1) of the said section nine is first published there were substituted a reference to the date on which the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from " and shall become operative " to the end of the subsection were omitted.

27.—(1) Any land consisting of a church or other building used or formerly used for religious worship, or the site thereof, or a burial ground or part of a burial ground, which has been acquired by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act, may be used in any manner whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

Provisions as
to churches
and burial
grounds.

- (a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local planning authority as aforesaid, by that authority or by any other person if that use conforms with planning control; or
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to churches or such other buildings as aforesaid or to burial grounds or any obligation or restriction imposed under any deed or agreement or otherwise as respects that church or other building or burial ground or part thereof:

Provided that this subsection shall not have effect as respects any such land as aforesaid until the prescribed requirements with respect to the removal and re-interment of human remains and the disposal of tombstones, monuments or other memorials, and fixtures and furnishings in or upon the land have been complied with.

(2) Provision shall be made by any regulations made for the purposes of the proviso to the preceding subsection—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and re-interment of any human remains or the disposal of any tombstones, monuments or other memorials, or fixtures or furnishings;

11TH SCH.
—cont.

- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and re-interment of the remains of the deceased and the disposal of any tombstone, monument or other memorial commemorating the deceased;
- (c) for requiring the persons in whom the land is vested to defray the expenses of such removal, re-interment and disposal not exceeding such amount as may be prescribed;
- (d) for requiring compliance with any directions given in any case by the Secretary of State, after consultation with the church authorities in the case of a church or churchyard, with respect to the manner of removal and the place and manner of re-interment of any human remains and the disposal of any tombstones, monuments or other memorials, and fixtures and furnishings; and
- (e) with regard to such incidental and consequential matters (including the closing of registers) as may appear to the Secretary of State to be expedient for the purposes of the regulations.

Any expense incurred by a Minister or the Central Land Board under paragraph (c) of this subsection shall be defrayed out of moneys provided by Parliament.

(3) Subject to the provisions of any such regulations as aforesaid, no authority shall be required for the removal and re-interment in accordance with the regulations of any human remains, or for the removal and disposal of any tombstones, monuments or other memorials, or fixtures or furnishings.

(4) In this section—

- (a) the expression "burial ground" includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purpose of interment;
- (b) the reference to conformity with planning control shall be construed in accordance with subsection (3) of section twenty-one of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

(5) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning authority or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the instance of any person on any ground other than contravention of any such enactment, obligation or restriction as is mentioned in subsection (1) of this section.

Authorisation of use and development of open spaces, etc., notwithstanding restrictions.

28.—(1) Any land being, or forming part of, a common or open space, which has been acquired by a purchasing authority under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act, may be used

in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

11TH SCH.
—cont.

- (a) in the case of land acquired by a purchasing authority other than a Minister or of land appropriated by a local planning authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to land of that kind, including any public general or local enactment, by which any such land is specially regulated.

(2) In this section—

- (a) the expressions “common” and “open space” have the same meanings as in the Town and Country Planning (Scotland) Act, 1947;
- (b) the reference to conformity with planning control shall be construed in accordance with subsection (3) of section twenty-one of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

(3) Nothing in this section shall be construed as authorising any act or omission on the part of a local planning authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the instance of any person on any ground other than contravention of any such enactment as is mentioned in subsection (1) of this section.

29.—(1) Where the carrying out of redevelopment on any such land as is mentioned in subsection (1) of section eighteen of this Act will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

Provisions as to displacements from land acquired for purposes of Part III of the Town and Country Planning (Scotland) Act, 1947.

(2) Section seventy-nine of the Housing (Scotland) Act, 1925 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition by a local planning authority under section thirty-five of the Town and Country Planning (Scotland) Act, 1947.

15 & 16 Geo. 5.
c. 15.

(3) If the Secretary of State certifies that possession of any house which has been acquired or appropriated and is for the time being held by a local planning authority as is mentioned in subsection (1) of section eighteen of this Act, is immediately required for the purposes

11TH SCH.
—cont.

for which it was acquired or appropriated, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall prevent the acquiring or appropriating authority from obtaining possession of the house.

(4) Where possession of any building, or any part of a building, on land which has been acquired or appropriated by a local planning authority as mentioned in subsection (1) of section eighteen of this Act or which has been acquired by the Central Land Board or a Minister under Part III of the Town and Country Planning (Scotland) Act, 1947, is required by them or him for the purposes for which it was acquired or appropriated, then, at any time after the tenancy of the occupier has expired or has been determined, the authority, Board or Minister may serve a notice on the occupier of the building or part of the building requiring him to remove therefrom within a period of twenty-one days; and on the expiry of that period a certified copy of the notice to remove shall be sufficient warrant for ejection against the occupier or any party in his right in the event of non-compliance with the notice.

(5) A local planning authority, the Central Land Board or a Minister may pay to any person who is displaced in the carrying out of redevelopment on land which has been acquired by the local planning authority, Board, or Minister under Part III of the Town and Country Planning (Scotland) Act, 1947, or which has been appropriated by the local planning authority as mentioned in subsection (1) of section eighteen of this Act, such reasonable allowance as they think fit towards his expenses in removing, and to a person carrying on any business in a building from which he is so displaced they may pay, also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance to his business consequent on his having to quit the building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his business and the availability of other premises suitable for that purpose.

Provision as to
loans by the
Public Works
Loan Com-
missioners.
38 & 39 Vict.
c. 89.

46. The power of the Public Works Loan Commissioners to make loans under section nine of the Public Works Loans Act, 1875, shall include power to make loans to a local planning authority for the purpose of the discharge by them of any of their functions under Part III of the Town and Country Planning (Scotland) Act, 1947.

Works below
high-water
mark.

48. Nothing in the Town and Country Planning (Scotland) Act, 1947, shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if the Town and Country Planning (Scotland) Act, 1947, had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Minister of Transport.

50.—(1) For the purposes of the execution of his powers and duties under the Town and Country Planning (Scotland) Act, 1947, a Minister may cause to be held such local inquiries as are directed by the Town and Country Planning (Scotland) Act, 1947, and such other local inquiries as he may think fit; and the provisions of this section shall apply to any inquiry so held.

11TH SCH.
—cont.
Provisions as to
local inquiries.

(2) The Minister shall appoint a person to hold the inquiry and to report thereon to him.

(3) Notification of the time when and the place where the inquiry is to be held shall be sent to any person who has lodged and has not withdrawn objections in relation to any matter in question at the inquiry, and shall be published in such newspaper or newspapers as the Minister may direct.

(4) The person appointed to hold the inquiry may, on the motion of any party thereto or of his own motion, serve a notice in writing on any person requiring him to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry:

Provided that—

- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him; and
- (ii) nothing in this subsection shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

(5) The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.

(6) Any person who refuses or wilfully neglects to attend in obedience to a notice under subsection (4) of this section or to give evidence or who wilfully alters, suppresses, conceals, destroys, or refuses to produce, any book or document which he may be required to produce by any such notice shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.

(7) The Minister may make orders as to the expenses incurred by the Minister in relation to the inquiry (including such reasonable sum as the Minister may determine for the services of the person appointed to hold the inquiry) and as to the expenses incurred by the parties to the inquiry and as to the parties by whom such expenses shall be paid.

11TH SCH.
—*cont.*

(8) Any order of the Minister under subsection (7) of this section requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.

(9) In this section the expression " Minister " means the Secretary of State, or any other Minister authorised under this Act to hold a local inquiry.

50A.—(4) The provisions of the Statutory Orders (Special Procedure) Act, 1945, with regard to the publication of notices in the Edinburgh Gazette and in a newspaper, shall, notwithstanding anything in that Act contained, not apply to any order under this Act which is subject to special parliamentary procedure.

Regulations.

59.—(1) In this Act, except where the context otherwise requires, the expression " prescribed " means prescribed by regulations made by the Secretary of State.

(2) Any regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which the regulations are laid before that House resolves that the regulations be annulled the regulations shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

Powers of
official arbiter
on references
to him.

61. An official arbiter appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, to whose determination any matter is referred under this Act shall have the like powers with respect to procedure, costs and the statement of special cases as he has under that Act.

Interpretation

62.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

" appropriate Minister," in relation to a statutory undertaking, has the same meaning as in the Town and Country Planning (Scotland) Act, 1947;

" Central Land Board " means the Central Land Board established under the Town and Country Planning Act, 1947;

" development " includes re-development;

" Gazette and local advertisement " means, in relation to an application, order or certificate relating to any land, publication in the Edinburgh Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated;

IIITH SCH.
—cont.

“ land ” includes land covered with water and any interest in land and any servitude or right in or over land;

“ local enactment ” means an enactment in any local or private Act of Parliament and a provision in a statutory order;

“ local planning authority ” means the local planning authority for the purposes of the Town and Country Planning (Scotland) Act, 1947;

“ owner,” in relation to any building or land, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the building or land to the promoters of an undertaking, and includes also a lessee under a lease or agreement, the unexpired period of which exceeds three years;

“ purchasing authority ” means a Minister, the Central Land Board, a local planning authority or any statutory undertakers, purchasing under Part III of the Town and Country Planning (Scotland) Act, 1947;

“ statutory order ” means an order or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

“ statutory undertaking ” has the same meaning as in the Town and Country Planning (Scotland) Act, 1947.

(2) References in this Act to any other enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by this Act or by or under any other enactment.

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to this Act or of any other enactment, is to be deemed to be served.

(4) Any reference in this Act to the Town and Country Planning (Scotland) Act, 1947, or to Part III of that Act shall be construed as including a reference to any provisions of this Act incorporated with the said Part III.

63.—(1) This Act may be cited as the Town and Country Planning (Scotland) Act, 1945. Short title
and extent.

(2) This Act shall extend to Scotland only.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1945.

FIRST SCHEDULE.

PROCEDURE FOR DEALING WITH OBJECTIONS.

1.—(1) The following provisions of this Schedule shall have effect where an objection is duly made to the making of an order under section twenty-five or twenty-six of this Act and is not withdrawn.

11TH SCH.
—cont.

(2) An objection shall not be deemed for the purposes of any of the said enactments or of this Schedule to be duly made unless—

- (a) it is made within the time and in the manner specified in the notice required by the relevant enactment referred to in the preceding sub-paragraph, and
- (b) the objection comprises, or there is submitted therewith, a statement in writing of the grounds thereof.

(3) In this Schedule, the expression “the Minister” means the Minister or Ministers having jurisdiction to make or confirm the order in question.

2. Unless the Minister decides apart from the objection not to make or confirm the order, or decides to make a modification agreed to by the person making the objection as meeting the objection, the Minister shall, before deciding whether to make or confirm the order, or what modification if any ought to be made, consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the person making the objection to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

3. In so far as the Minister is satisfied, after considering the grounds of the objection as set out in the original statement and any such further statement, that the objection relates to a matter which can be dealt with by an arbiter by whom compensation is to be assessed, the Minister may treat the objection as irrelevant for the purpose of his deciding as aforesaid.

4. If after considering the grounds of the objection as set out in the original statement and any such further statement, the Minister is satisfied that he is sufficiently informed, for the purpose of his deciding as aforesaid, as to the matters to which the objection relates, or if where a further statement has been required it is not submitted within the specified period, the Minister may decide as aforesaid without further investigation as to those matters.

5. Subject as mentioned in the two last preceding paragraphs, the Minister shall, before deciding as aforesaid, afford to the person making the objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister, and if he avails himself thereof the Minister shall afford an opportunity of appearing and being heard on the same occasion to the authority or other person (if any) making the application or representation or submitting the order in question and to any other persons to whom it appears to the Minister to be expedient to afford it.

6. Notwithstanding anything in paragraphs 2 to 5 of this Schedule, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he decides as aforesaid, he shall cause such an inquiry to be held, and where he determines to cause such an inquiry to be held, any of the requirements of those paragraphs to which effect has not been given at the time when he so determines shall be dispensed with.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT,
1945. 11TH SCH.
—cont.

FOURTH SCHEDULE.

ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS.

PART I.

Amount of Compensation.

1. The compensation to be paid—

- (a) in respect of any decision given under paragraph 1 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1947, refusing permission to develop operational land or granting such permission subject to conditions;
- (b) in respect of any decision given by a government department under paragraph 2 of that Schedule refusing the sanction of that department in respect of any development of such land, or directing that permission to develop such land shall be deemed to be granted subject to conditions;
- (c) in respect of any order made under paragraph 3 of that Schedule revoking or modifying permission to develop such land;
- (d) in respect of any order made under paragraph 4 of that Schedule in relation to such land;
- (e) in respect of the extinguishment of any right or the imposition of any requirement under section twenty-four of this Act as applied for the purposes of Part III of the said Act;
- (f) in respect of any such compulsory purchase as is mentioned in subsection (5) of section forty-two of the said Act;

shall in default of agreement be assessed by the arbitration of the tribunal constituted in accordance with the provisions of Part II of this Schedule, and the amount of the compensation shall be an amount calculated in accordance with the provisions of the next following paragraph:

Provided that, as respects compensation in respect of a compulsory purchase, if, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the purchasing authority that he elects that as respects all or any of the land comprised in the purchase the compensation shall be ascertained in accordance with the enactments, other than rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, which would be applicable apart from the provisions of this Schedule, the compensation shall be so ascertained.

2.—(1) The amount of the said compensation shall, subject to the provisions of this paragraph, be the aggregate of the following amounts, that is to say,—

- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation, and

11TH SCH.
—cont.

- (b) when any such adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the said proceeding together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment; or
 - (c) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation; and
 - (d) in the case of compensation in respect of the imposition of a requirement under section twenty-four of this Act to remove any apparatus, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirements reduced by the value after removal of the apparatus removed. .
- (2) The amount of any compensation assessed in accordance with the preceding sub-paragraph shall be reduced by such amount (if any) as appears to the tribunal to be appropriate to offset—
- (a) the estimated value of any property (whether moveable or heritable) belonging to the person carrying on the statutory undertaking in question and used for the carrying on thereof which as the result of any such adjustment as is mentioned in the preceding sub-paragraph cease to be so used, in so far as the value of the property has not been taken into account under head (d) of the preceding sub-paragraph; and
 - (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after any such adjustment has been completed, in so far as that amount has not been taken into account under head (b) of the preceding sub-paragraph and is directly attributable to the adjustment,

and by any further amount which appears to the tribunal to be appropriate having regard to any increase in the capital value of heritable property belonging to the person carrying on the statutory undertaking in question which is directly attributable to any such adjustment as aforesaid, allowance being made for any reduction made under head (b) of this sub-paragraph.

(3) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances; and references to an increase in net receipts shall be construed accordingly.

(4) In this paragraph the expression "proceeding giving rise to compensation" means the particular action (that is to say, purchase, extinguishment of a right, imposition of a requirement, refusal of permission, grant of permission subject to conditions, or revocation or modification of permission or order under paragraph 4 of the Fifth Schedule to the Town and Country Planning (Scotland) Act, 1947) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which the action in question may have been taken.

WITH SCH.
—cont.

PART II.

Tribunal for assessment of compensation to statutory undertakers.

3.—(1) The Tribunal for the assessment of compensation referred to in Part I of this Schedule shall consist of four persons, namely—

- (a) an advocate or solicitor of not less than seven years' standing, appointed by the Lord President of the Court of Session to act as chairman;
- (b) two persons appointed by the Secretary of State as persons having special knowledge and experience of the valuation of land and of civil engineering respectively; and
- (c) for each claim coming before the tribunal, a person selected by the appropriate Minister, as a person having special knowledge and experience of statutory undertakings of the kind carried on by the claimant, from the members of a panel appointed by appropriate Ministers of persons appearing to them to have such knowledge and experience of statutory undertakings.

(2) The Treasury may pay out of moneys provided by Parliament to the members of the tribunal such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Treasury may determine.

(3) The provisions of sections three, five and six of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the tribunal and proceedings before the tribunal as they apply in relation to an official arbiter and proceedings before an official arbiter, with the substitution for references in the said section five to the acquiring authority of references to the person from whom compensation is claimed.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1945.

FIFTH SCHEDULE.

MODIFICATIONS OF ACQUISITION OF LAND (ASSESSMENT OF COMPENSATION) ACT, 1919.

8.—(1) As respects any dwelling-house in the district of a local authority for the purposes of the Housing (Scotland) Acts, 1925 to 1944, which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, and which is comprised in land designated by a development plan under the Town and Country Planning (Scotland) Act, 1947, as subject to com-

11TH SCH.
—cont.

20 & 21 Geo. 5.
c. 40.

pulsory acquisition or land which is proposed to be acquired compulsorily under subsection (2) of section thirty-four or subsection (2) of section thirty-five of that Act, the local authority for the purposes of the said Acts may make and submit to the Secretary of State an order in such form as may be prescribed by regulations made by him under section forty-four of the Housing (Scotland) Act, 1930, declaring the house to be in that state, and, if the order is confirmed by him, the compensation to be paid for the house on a compulsory purchase thereof pursuant to any authorisation given under Part III of the Town and Country Planning (Scotland) Act, 1947, by the Minister having jurisdiction to give such authorisation either before or within two years after the confirmation by the Secretary of State of the order submitted under this paragraph, shall be assessed in like manner as if it had been a dwelling-house specified in a compulsory purchase order as unfit for human habitation and purchased compulsorily under Part I of the Housing (Scotland) Act, 1930, and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall accordingly have effect, in its application for the purposes of Part III of the Town and Country Planning (Scotland) Act, 1947, subject to this provision.

(2) Before submitting an order under this paragraph to the Secretary of State, the local authority shall serve on the owner of and, so far as it is reasonably practicable to ascertain such persons, on the superior of, and on every holder of a heritable security over, the dwelling-house or of any part thereof, a notice in such form as may be prescribed as mentioned in the preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the Secretary of State for confirmation, and specifying the time within which and the manner in which objection thereto can be made.

(3) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the order, but in any other case he shall before confirming the order consider any objection not being withdrawn and shall, if either the person by whom the objection was made or the local authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and may then, if he thinks fit, confirm the order.

(4) Where the provisions of sub-paragraph (1) of this paragraph have effect as to the compensation to be paid for a dwelling-house on a compulsory purchase thereof under any enactment in Part III of the Town and Country Planning (Scotland) Act, 1947, the provisions of section fifty-eight of the Housing (Scotland) Act, 1935 (which relate to payments in respect of well-maintained houses) shall have effect, as they have effect where a dwelling-house is made the subject of a compulsory purchase order under Part I of the Housing (Scotland) Act, 1930, as being unfit for human habitation, if the Secretary of State is satisfied as mentioned in that section on a representation made to him by a person who would be entitled to any payment under that section or to a share thereof within three months from his first becoming aware that a notice to treat for the purchase of any interest in the house has been served:

25 & 26 Geo. 5.
c. 41.

Provided that, in the application of that section for the purposes of this sub-paragraph, there shall be substituted, for references therein to the local authority therein mentioned and to the order therein mentioned, references respectively to the purchasing authority and to the order by which the purchase of the house is authorised.

11TH SCH.
—cont.

(5) In this paragraph the expression "dwelling-house" has the same meaning as in the Housing (Scotland) Act, 1925, and in determining for the purposes of this paragraph whether a dwelling-house is fit for human habitation regard shall be had to the matters to which regard is required by section forty-nine of the Housing (Scotland) Act, 1930, to be had in determining that question for the purposes of that Act, and sections one hundred and four and one hundred and nine of the Housing (Scotland) Act, 1925 (which relate to the surveying and examination of land) shall have effect as if the powers conferred by this paragraph were powers under that Act.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1945.

SIXTH SCHEDULE.

PROCEDURE FOR COMPLETION OF COMPULSORY PURCHASE UNDER ORDERS PROVIDING FOR EXPEDITED COMPLETION.

PART I.

Procedure for expedited completion.

1.—(1) Except as provided by sub-paragraph (3) of this paragraph, when a purchase order providing for expedited completion has come into operation the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect as if a notice to treat (that is to say, such a notice as is mentioned in section seventeen of the Lands Clauses Consolidation (Scotland) Act, 1845) 8 & 9 Vict. c. 19. had been served on all the parties interested in the land as respects which this Schedule applies by virtue of the order or the parties enabled by the said Act of 1845 to sell and convey the same or their rights and interests therein.

(2) The date on which a notice to treat is to be deemed by virtue of the preceding sub-paragraph to have been served on any party shall be the date on which the order is recorded in the appropriate Register of Sasines in pursuance of subsection (2) of section thirty-six of the Town and Country Planning (Scotland) Act, 1947.

(3) Notwithstanding anything in sub-paragraph (1) of this paragraph, no notice to treat shall be deemed to be served on any person in respect of an interest being either—

(a) a short tenancy (that is to say a tenancy for a year or from year to year or any less interest); or

(b) a long tenancy which is about to expire (that is to say, a tenancy granted for a period longer than a year or from year to year which at the date when apart from this provision notice to treat would be deemed by virtue of the said sub-paragraph (1) to be served on the owner of the tenancy, has still to run only such period longer than a year as may be specified in the order for the purposes of the operation of this provision in relation to the land in which the tenancy subsists, the period which the tenancy has then still to run

FIFTH SCH.
—*cont.*

being ascertained on the assumption that the tenant will exercise any option to renew the tenancy and will not exercise any option to determine the tenancy, then or thereafter available to him and that the landlord will exercise any option to determine the tenancy then or thereafter available to him).

(4) The reference in sub-paragraph (1) of this paragraph to the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, is to those enactments as modified by the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, by the Fifth Schedule to this Act, and by paragraph 3 and Part II of this Schedule.

2. The notice of the confirmation of an order authorising compulsory purchase required by the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, to be published shall, in the case of a purchase order providing for expedited completion, include a notification to the effect that every person entitled to claim compensation in respect of any of the land as respects which this Schedule applies by virtue of the order, or in respect of any interest in any such land, is invited to give information to the purchasing authority in such form as may be prescribed of his name and address and of the land and interest in question.

3.—(1) At any time or from time to time after the coming into operation of a purchase order providing for expedited completion but not earlier than such time as is mentioned in sub-paragraph (2) of this paragraph, the purchasing authority may execute, as respects an area consisting either of the whole or a part of the land as respects which this Schedule applies by virtue of the order, a declaration designating that area and stating—

- (a) their intention to enter on the land in the designated area and take possession thereof at the expiration of such period (not being less than twenty-eight days) as may be specified therein from the date on which the service of notices on occupiers required by sub-paragraph (3) of this paragraph is completed; and
- (b) that at the expiration of that period the purchasing authority will expedite a notice of title which, on being recorded in the appropriate Register of Sasines, will vest the land in the designated area in the authority.

(2) The earliest time at which such a declaration may be executed shall be the expiration of two months from the date of the recording of the order in pursuance of subsection (2) of section thirty-six of the Town and Country Planning (Scotland) Act, 1947:

Provided that the order may provide for the substitution of a period shorter than two months for the purposes of the operation of this sub-paragraph as respects any land, so however, that provision for the substitution of a shorter period shall not be so made in relation to any land unless the order as submitted made such provision in relation thereto.

(3) As soon as may be after executing such a declaration, the purchasing authority shall serve upon every occupier of any of the land in the area designated thereby (other than any of the

land therein in which a short tenancy, or a long tenancy which is about to expire, is subsisting), and on every other person who has given information to the authority in relation to any of the land therein pursuant to such invitation as is mentioned in paragraph 2 of this Schedule, a notice describing that area and stating the effect of the declaration.

11TH SCH.
—*cont.*

(4) At the expiration of the period specified in such a declaration from the date on which the service of notices on occupiers required by the last preceding sub-paragraph is complete (as to which date a certificate given by the purchasing authority shall be conclusive)—

- (a) the purchasing authority shall be entitled to enter on and take possession of the land in the area designated by the declaration or any of it without previous consent or compliance with sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845; and
- (b) the purchasing authority shall expedite a notice of title containing a description of the land in the area designated by the declaration and narrating the circumstances under which the land has been purchased, and on such notice of title being recorded in the appropriate Register of Sasines in accordance with section eighty of the Lands Clauses Consolidation (Scotland) Act, 1845, the land shall vest in the purchasing authority absolutely and free of any heritable security or charge as if the circumstances in which under that Act the promoters of an undertaking have powers to expedite a notarial instrument for vesting in them lands or any estate or interest in lands (including the estate, right and interest of any holder of a heritable security), or for the extinguishment of, or of a portion of, any charge, had arisen as regards all the said land and, subject to the next succeeding sub-paragraph, as regards all interests therein, and the authority had duly exercised those powers accordingly at the expiration of the said period;

but the purchasing authority shall be liable to pay the like compensation, and interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of sections eighty-three to eighty-eight of the said Act, and the provisions thereof compliance with which would have been requisite in order to render the said powers exercisable by them, had been complied with.

(5) Notwithstanding anything in sub-paragraph (1) or (4) of this paragraph, the following provisions shall have effect as respects land in an area designated by a declaration executed under sub-paragraph (1) of this paragraph in which a short tenancy, or a long tenancy which is about to expire, is subsisting, that is to say—

- (a) in the case of a short tenancy, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable, and the vesting of the land in the purchasing authority shall be subject to the tenancy during its subsistence, but without prejudice to any power to require a tenant to give up possession exercisable by the purchasing authority by virtue of the Lands Clauses Acts;

FIFTH SCH.
—*cont.*

(b) in the case of a long tenancy which is about to expire, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable unless or until the purchasing authority have served notice to treat in respect of the tenancy and they have thereafter served a notice upon every occupier of any of the land in which the tenancy subsists describing the land to which the notice relates and stating their intention to enter on and to take possession thereof at the expiration of such period (not being less than twenty-eight days) from the date on which the notice is served as may be therein specified, and that period has expired, and the vesting of the land in the authority shall be subject to the tenancy until the expiration of that period or the expiration of the tenancy whichever first occurs.

(6) Every notice of the confirmation of a purchase order providing for expedited completion required by the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, to be published, shall refer to the provisions as to entry and vesting contained in sub-paragraph (4) of this paragraph.

4. Where the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion comprises part only of any house, building or manufactory, or of a park or garden belonging to a house, then, if at any time after the coming into operation of the order and before the execution of a declaration under the last preceding paragraph as respects the said part, the owner of any interest therein gives notice to the purchasing authority in that behalf, no notice to treat shall be deemed by virtue of this Schedule to have been served in respect of any interest in the said part, and as from the giving of the notice the order shall have effect in relation to the said part as if this Schedule had not been applied thereto.

5.—(1) Where the compensation payable in respect of the interests in land in respect of which a purchasing authority have expedited a notice of title under sub-paragraph (4) of paragraph 3 of this Schedule is not finally ascertained at the time when such notice of title is presented for recording, then, if the notice of title is accompanied by a certificate by the purchasing authority to that effect, it may lawfully be recorded in the appropriate Register of Sasines notwithstanding that it is not stamped; and section twelve of the Finance Act, 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months of the date of vesting) shall have effect as respects the vesting of those interests with the substitution for the reference therein to the date of vesting of a reference to the date on which the compensation has been finally ascertained.

(2) Where after vesting of any land in a purchasing authority under paragraph 3 of this Schedule a person retains possession of any writ relating to the land, he shall be deemed to have given to the authority an undertaking to produce that writ to the authority on all necessary occasions.

58 & 59 Vict.
c. 16.

PART II.

11TH SCH.
—cont.*Adjustments where provision for expedited completion made.*

6.—(1) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of this Schedule may be referred to arbitration shall be the period of six years from the date at which the person claiming compensation or a person from whom he derives title first knew, or could reasonably be expected to have known, of the vesting of the interest under paragraph 3 of this Schedule.

(2) In reckoning the period of six years referred to in sub-paragraph (1) of this paragraph, no account shall be taken of any period during which the person claiming compensation or the person from whom he derives title was in minority or less age or was under legal disability.

7. The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, or that subsection as applied by paragraph 3 of the Fourth Schedule to this Act to withdraw a notice to treat shall not be exercisable, in the case of a notice to treat which is deemed to have been served by virtue of this Schedule in respect of the interest of an occupier, at any time after the service on that occupier of the notice referred to in sub-paragraph (3) of paragraph 3 of this Schedule, and, in the case of a notice to treat so deemed to have been served in respect of any other interest, at any time after the vesting of that interest in the purchasing authority under paragraph 3 of this Schedule.

8. In relation to a compulsory purchase authorised by a purchase order providing for expedited completion, being a purchase of an interest in respect of which a notice to treat is deemed to have been served by virtue of this Schedule, the following sections of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be excepted from the incorporation of that Act with the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947: that is to say, sections fifty-six to sixty and sixty-three to sixty-six (which relate to the mode of ascertaining compensation to absent parties), section ninety (which relates to sales of parts of buildings) and sections one hundred and seventeen to one hundred and nineteen (which relate to interests which have by mistake been omitted to be purchased).

9.—(1) Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land burdened with a charge, the following provisions of this paragraph shall have effect.

(2) Any question as to the apportionment mentioned in section one hundred and nine of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be referred and determined as mentioned in section one of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Such portion of the charge as may be apportioned under the said section one hundred and nine to the land as respects which this Schedule applies by virtue of the order shall be treated as having been extinguished on the vesting of that land in the purchasing authority under paragraph 3 of this Schedule, and sections one hundred and

11TH SCH.
—cont.

eight to one hundred and eleven of the Lands Clauses Consolidation (Scotland) Act, 1845, shall have effect as if the extinguishment had taken place under section one hundred and ten thereof:

Provided that if the person entitled to the charge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and eight to one hundred and eleven shall have effect as if the person entitled to the charge had discharged therefrom the land as respects which this Schedule applies by virtue of the order, on the condition mentioned in the said section one hundred and nine, at the time of the vesting of that land in the purchasing authority under paragraph 3 of this Schedule, and in that case none of the charge shall be treated as having been extinguished by virtue of that paragraph so far as regards the remaining part of the land charged therewith.

10. Where any land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land comprised in a lease for a term of years unexpired, section one hundred and twelve of the Lands Clauses Consolidation (Scotland) Act, 1845, shall have effect subject to the modification that, for references therein to the time of the apportionment of rent therein mentioned, there shall be substituted references to the time of the vesting of the first-mentioned land in the purchasing authority under paragraph 3 of this Schedule.

11. Any person who in consequence of the vesting of any land in the purchasing authority under paragraph 3 of this Schedule is relieved from any liability, whether in respect of a charge, rent under a lease, interest due on any heritable security or any other matter, and who makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved or of some one or more of them, be entitled to recover the sum paid from the person to whom it was paid.

PART III.

Interpretation.

12. In this Schedule—

references to a heritable security include references to any such security as is mentioned in the words introductory to sections ninety-nine to one hundred and six of the Lands Clauses Consolidation (Scotland) Act, 1845;

references to a charge include references to any such feu duty, ground annual, or rent or other payment or incumbrance as is mentioned in the words introductory to sections one hundred and seven to one hundred and eleven of the last mentioned Act.

CHAPTER 54.

Electricity Act, 1947.

ARRANGEMENT OF SECTIONS.

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An Act to provide for the establishment of a British Electricity Authority and Area Electricity Boards and for the exercise and performance by that Authority and those Boards and the North of Scotland Hydro-Electric Board of functions relating to the supply of electricity and certain other matters; for the transfer to the said Authority or any such Board as aforesaid of property, rights, obligations and liabilities of electricity undertakers and other bodies; to amend the law relating to the supply of electricity; to make certain consequential provision as to income tax; and for purposes connected with the matters aforesaid.

[13th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

BRITISH ELECTRICITY AUTHORITY AND AREA ELECTRICITY BOARDS.

1.—(1) There shall be established an Authority, to be known as the British Electricity Authority, and it shall be the duty of that Authority as from the vesting date to develop and maintain an efficient, co-ordinated and economical

Main functions
of Electricity
Boards.

PART I.
—cont.

system of electricity supply for all parts of Great Britain except the North of Scotland District, and for that purpose—

- (a) to generate or acquire supplies of electricity;
- (b) to provide bulk supplies of electricity for the Area Boards hereinafter established for distribution by those Boards;
- (c) to co-ordinate the distribution of electricity by Area Boards and to exercise a general control over the policy of those Boards; and
- (d) to provide supplies of electricity for consumers for whom the British Electricity Authority are required by any provision of this Act or may for the time being be authorised by the Minister to provide such supplies.

(2) There shall be established Boards, to be known by the names mentioned in the first column of the First Schedule to this Act, for the areas which are described in general terms in the second column of that Schedule and are to be defined by orders made under this Part of this Act, and it shall be the duty of every such Board as from the vesting date to acquire from the British Electricity Authority bulk supplies of electricity and to plan and carry out an efficient and economical distribution of those supplies to persons in their area who require them.

(3) In this Act and in any amendment made by this Act in any other enactment the British Electricity Authority is referred to as "the Central Authority" and the Boards established under the last foregoing subsection are referred to as "Area Boards" and the Central Authority and the Area Boards, together with the North of Scotland Board, are referred to as "Electricity Boards".

(4) Any Area Board may—

- (a) by agreement with any other Area Board and with the approval of the Central Authority, give to or acquire from that other Area Board bulk supplies of electricity;
- (b) by agreement with any person other than an Electricity Board and with the approval of the Central Authority, acquire bulk supplies of electricity from that person; and
- (c) by agreement with any other Area Board, supply electricity to consumers in the area of that other Area Board.

If any Area Board are unable to obtain the agreement of another Area Board under paragraph (c) of this subsection, they may apply to the Central Authority for an authorisation to supply electricity to consumers in such part of the area

of that other Area Board as may be specified in the authorisation, and, if the Central Authority gives such an authorisation, the first-named Area Board shall have power to supply electricity in accordance therewith.

PART I
—cont

(5) The provisions of the last foregoing subsection shall apply in relation to the North of Scotland Board and the North of Scotland District as if that Board were an Area Board and that District were the area of an Area Board, subject to the modification that any approval of the acquisition of bulk supplies of electricity from any person in the North of Scotland District and any authorisation for the supply of electricity by an Area Board to consumers in the North of Scotland District shall be given by the Secretary of State.

(6) In exercising and performing their functions the Electricity Boards shall, subject to and in accordance with any directions given by the Minister or Secretary of State under this Part of this Act—

- (a) promote the use of all economical methods of generating, transmitting and distributing electricity;
- (b) secure, so far as practicable, the development, extension to rural areas and cheapening of supplies of electricity;
- (c) avoid undue preference in the provision of such supplies;
- (d) promote the simplification and standardisation of methods of charge for such supplies;
- (e) promote the standardisation of systems of supply and types of electrical fittings;

and shall also promote the welfare, health and safety of persons in the employment of the Boards.

(7) As from the vesting date, the powers and duties of the North of Scotland Board under the Act of 1943, with regard to the generation of electricity by water power shall extend to the generation of electricity by any other means, and the North of Scotland District shall be altered so as to include the county of the city of Dundee, the whole of the counties of Angus and Perth and the county of Kinross, and so as to exclude the parish of Rosneath in the county of Dunbarton.

2.—(1) It shall be the duty of the Central Authority and of any Area Board, in so far as they may be requested by the Central Authority to do so, to conduct research into matters affecting the supply of electricity, and the Central Authority and, in so far as they may be so requested, any Area Board may assist other persons conducting such research.

Additional
functions of
Electricity
Boards.

(2) It shall be the duty of the Central Authority and every Area Board, in consultation with any organisation appearing to them to be appropriate, to make provision for advancing

PART I.
—cont.

the skill of persons employed by them and for improving the efficiency of their equipment and the manner in which that equipment is to be used, including provision by them and the assistance of the provision by others of facilities for training and education.

(3) The Central Authority shall have power—

- (a) to manufacture electrical plant and electrical fittings;**
- (b) to sell, hire or otherwise supply electrical plant and electrical fittings and to instal, repair, maintain or remove any electrical plant and electrical fittings; and**
- (c) to carry on all such other activities as it may appear to the Authority to be requisite, advantageous, or convenient for them to carry on for or in connection with the performance of their duties under the foregoing section or with a view to making the best use of any assets vested in them by or under this Act:**

Provided that this subsection shall not empower the Central Authority to manufacture electrical plant or electrical fittings for export.

(4) Any Area Board shall have power—

- (a) to sell, hire or otherwise supply electrical fittings and to instal, repair, maintain or remove any electrical fittings; and**
- (b) to carry on all such other activities as it may appear to the Board to be requisite, advantageous or convenient for them to carry on for or in connection with the exercise and performance of their functions under the foregoing section or with a view to making the best use of any assets vested in them by or under this Act:**

Provided that nothing in this subsection shall empower an Area Board to exercise or perform any of the functions referred to in paragraph (a) of the last foregoing subsection or paragraph (b) of the last foregoing subsection so far as it relates to the sale, hire or supply of electrical plant.

(5) The Central Authority and any Area Board shall have power to do any thing and to enter into any transaction (whether or not involving the expenditure, the borrowing in accordance with the provisions of this Act or the lending of money, the acquisition of any property or rights or the disposal of any property or rights not in their opinion required for the proper exercise or performance of their functions) which in their opinion is calculated to facilitate the proper performance of their duties under the foregoing section or the exercise or performance of any of their functions under the foregoing

provisions of this section, or is incidental or conducive thereto, but nothing in this subsection shall be taken as empowering an Area Board to exercise or perform any functions specifically excluded from the last foregoing subsection.

PART I.
—*cont.*

(6) Subject to the approval of the Minister, the Central Authority may authorise any Area Board to exercise or perform on behalf of the Central Authority any of the functions of that Authority which are to be exercised or performed wholly or mainly in the area of the Area Board (not including any functions specifically excluded from subsection (4) of this section) and any such authorisation may be subject to conditions and limitations and may be so framed as to empower the Area Board to exercise or perform any of the functions delegated to them through agents.

(7) Any Electricity Board may, by agreement with any other Electricity Board, use for the purposes of any of their functions any works, plant or other property of that other Board, and, if it appears to the Minister that such use cannot be obtained by agreement and is required for the purpose of securing efficient and economical services, he may by order authorise such use on such terms and conditions (including the payment of money) as he may determine.

(8) Subsections (1), (2), (3) and (5) of this section shall, subject to the provisions of the Act of 1943, apply to the North of Scotland Board in like manner as they apply to the Central Authority, subject to the following modifications:—

- (a) for the reference in subsection (5) to borrowing in accordance with the provisions of this Act there shall be substituted a reference to borrowing in accordance with the Act of 1943; and
- (b) other references to this Act and references to the foregoing section shall include references to the Act of 1943;

and any order under the last foregoing subsection affecting the North of Scotland Board shall be made by the Minister and the Secretary of State jointly.

(9) For the avoidance of doubt it is hereby declared that the foregoing provisions of this Act relate only to the capacity of Electricity Boards as statutory corporations, and nothing in those provisions shall be construed as authorising the disregard by any such Board of any enactment or rule of law.

3.—(1) The Central Authority and every Area Board shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

**Constitution
of Central
Authority and
Area Boards.**

PART I.
—*cont.*

(2) The Central Authority shall be constituted as follows:—

- (a) the chairman and not less than four or more than six other members shall be appointed by the Minister from amongst persons appearing to him to be qualified as having had experience of, and having shown capacity in, the generation and supply of electricity, industrial, commercial or financial matters, applied science, administration, or the organisation of workers;
- (b) four other members shall be appointed by the Minister from amongst the persons for the time being holding the office of chairman of an Area Board, and such appointments shall be made from the Area Boards in rotation; and
- (c) there shall be one other member who shall be the person for the time being holding the office of chairman of the North of Scotland Board:

Provided that, until the Area Boards have been established, the Central Authority shall be deemed to be properly constituted notwithstanding that the members to be appointed under paragraph (b) of this subsection have not been appointed or have not all been appointed.

(3) Every Area Board shall be constituted as follows:—

- (a) the chairman and not less than five or more than seven other members shall be appointed by the Minister after consultation with the Central Authority from amongst persons appearing to the Minister to be qualified as having had experience of, and having shown capacity in, electricity supply, local government, industrial, commercial, agricultural or financial matters, applied science, administration, or the organisation of workers; and
- (b) there shall be one other member who shall be the person for the time being holding the office of chairman of the Consultative Council established under the following provisions of this Part of this Act for the area of the Area Board:

Provided that, until the Consultative Council has been established, an Area Board shall be deemed to be properly constituted notwithstanding that the Board does not include the member referred to in paragraph (b) of this subsection and, during any period before the vesting date, an Area Board shall be deemed to be properly constituted if the chairman and three other members have been appointed.

(4) A person shall be disqualified for being appointed or being a member of the Central Authority or any Area Board so long as he is a member of the Commons House of Parliament.

(5) The Minister shall appoint one or more of the members of the Central Authority to be deputy chairman or deputy chairmen of that Authority, and shall, after consultation with the Central Authority, appoint one of the members of each of the Area Boards to be deputy chairman of that Board.

(6) There shall be paid to the members of the Central Authority and to the members of each of the Area Boards such remuneration (whether by way of salaries or fees) and such allowances as may be determined by the Minister with the approval of the Treasury, and, on the retirement or death of any member in whose case it may be so determined to make such provision, such a pension to or in respect of that member as may be so determined.

Any such remuneration, allowances and pensions as aforesaid shall be paid by the Central Authority or, as the case may be, the Area Board concerned.

(7) The Minister may make regulations with respect to—

- (a) the appointment of, and the tenure and vacation of office by, the members of the Central Authority and any Area Board;
- (b) the quorum, proceedings, meetings and determinations of the Central Authority and any Area Board;
- (c) the execution of instruments and the mode of entering into contracts by and on behalf of the Central Authority or any Area Board, and the proof of documents purporting to be executed, issued or signed by the Central Authority or any Area Board or a member or officer thereof; and
- (d) any other matters supplementary or incidental to the matters aforesaid for which provision appears to the Minister to be necessary or expedient.

(8) Subject to the provisions of any regulations made under the last foregoing subsection, the Central Authority and every Area Board shall have power to regulate their own procedure.

4.—(1) The Minister shall before the vesting date by order made after consultation with the Central Authority define the areas for which Area Boards are established under this Act, and each area shall be so defined by reference to a map, and copies of the map of each area shall be available for inspection at such places and at such times as may be specified in a notice published by the Minister in the London Gazette and, in the case of an area in Scotland, the Edinburgh Gazette, and (in all cases) in such newspapers circulating in the area as the Minister thinks fit.

Definition of
and variation
of areas.

(2) The Minister may, after consultation with the Central Authority and after giving to each Area Board concerned an opportunity to make representations, by order vary the areas

PART I.
—*cont.*

for which Area Boards are established under this Act, and such variation may involve not only the variation of the boundaries of existing areas but also the formation of a new area from any part of an existing area or parts of existing areas or the amalgamation of an existing area with any other such area or part thereof.

Any such order shall define by reference to a map the new areas or new boundaries constituted by the order, and copies of any such map shall be available for inspection in like manner as copies of the maps defining the original areas.

(3) If any question arises as to the exact boundary of any area, as defined by any order made under this section, it shall be determined by the Minister, after giving to the Area Boards concerned an opportunity to make representations on such question.

(4) An order made under subsection (2) of this section the effect of which is to increase or reduce the total number of such areas as aforesaid, or to constitute a new area for which a new Area Board is required to be established under the next following subsection, shall not be made unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(5) An order made under subsection (2) of this section shall state whether the areas affected by the order are to be regarded as the areas of existing Area Boards, or whether any such area is to be regarded as a new area for which a new Area Board is required to be established, and in the latter case a new Board shall be established in accordance with the foregoing provisions of this Act and those provisions shall apply to that Board accordingly, and it shall be known by such name as may be specified in the order.

(6) An order made under subsection (2) of this section shall, so far as it appears to the Minister to be necessary or expedient in consequence of the variation of areas or the establishment of a new Area Board, provide—

- (a) for the transfer of property, rights, liabilities and obligations from one Area Board to another;
- (b) for the modification of agreements for the purpose of giving effect to the transfer of rights, liabilities and obligations thereunder from one Area Board to another and, in a case where part only of the rights, liabilities and obligations under any agreement are transferred, for substituting for that agreement separate agreements in the requisite terms, and for any apportionments and indemnities consequent thereon;
- (c) for the purpose of transferring part of the land comprised in any lease vested in any such Board to

another such Board, for the severance of that lease, and for apportionments and indemnities consequent thereon;

- (d) for dissolving any Area Board the whole of whose functions are to be exercised by another Area Board or Boards, and for winding up the affairs of the Board to be dissolved; and
- (e) for such other financial adjustments between the Boards concerned as may be required in consequence of any such transfer, and for any other matter supplementary to or consequential on the matters aforesaid, including the continuation of legal proceedings.

(7) The foregoing provisions of this section except subsection (1) shall apply to the North of Scotland Board and the North of Scotland District as if that Board were an Area Board and that District were the area of an Area Board, subject to the modification that an order or determination affecting that Board and District shall be made by the Minister and the Secretary of State jointly.

5.—(1) The Minister may, after consultation with the Central Authority, give to that Authority such directions of a general character as to the exercise and performance by the Authority of their functions under this Act as appear to the Minister to be requisite in the national interest, and the Authority shall give effect to any such directions.

*Powers of
Minister in
relation to
Central
Authority.*

(2) In carrying out such measures of reorganisation or such works of development as involve substantial outlay on capital account, and in giving directions to any Area Board with respect to such measures or works, the Central Authority shall act in accordance with a general programme settled from time to time in consultation with the Minister.

(3) In the exercise and performance of their functions as to training, education and research, the Central Authority shall act in accordance with a general programme settled as aforesaid.

(4) The Minister may, after consultation with the Central Authority, give to that Authority directions as to the use or disposal of any assets vested in the Authority by or under this Act which are not connected with the generation, transmission or distribution of electricity, and the Authority shall give effect to any such directions.

(5) The Central Authority shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Authority, and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

PART I.
—*cont.*

(6) The Central Authority shall furnish the Minister with returns, accounts and other information with respect to the property and activities of all Area Boards, in such manner and at such times as he may reasonably require.

(7) The foregoing provisions of this section, except subsection (5) and the provisions relating to Area Boards, shall apply to the North of Scotland Board in like manner as they apply to the Central Authority, subject to the modification that references to the Secretary of State shall be substituted for references to the Minister.

Powers of
Central
Authority
and Minister
in relation to
Area
Boards.

6.—(1) The Central Authority may give such directions to Area Boards as appear to the Central Authority to be necessary or expedient for the purpose of co-ordinating the distribution of electricity by Area Boards and exercising a general control over the policy of those Boards, and every Area Board shall give effect to any such directions given to them by the Central Authority.

(2) In the exercise and performance of their functions as to training, education and research, every Area Board shall act in accordance with a general programme settled from time to time in consultation with the Minister.

(3) The Minister may after consultation with the Central Authority give directions to any Area Board as to the use or disposal of any assets vested in the Board by or under this Act which are not connected with the distribution of electricity, and the Board shall give effect to any such directions.

(4) Every Area Board shall afford to the Central Authority and, if the Minister so requires, to the Minister, facilities for obtaining information with respect to the property and activities of the Area Board, and furnish the Central Authority and, if he so requires, the Minister, with returns, accounts, and other information with respect thereto, and afford to the Central Authority and the Minister facilities for the verification of information furnished, in such manner and at such times as the Central Authority or the Minister may require.

Consultative
Councils.

7.—(1) A Consultative Council shall be established for the purposes mentioned in this section for the area of every Area Board.

(2) Each of the said Councils shall consist of not less than twenty nor more than thirty persons to be appointed by the Minister of whom—

(a) not less than half nor more than three-fifths shall be appointed from a panel of persons nominated from amongst members of local authorities in the area by such associations as appear to the Minister to represent those authorities; and

- (b) the remainder shall be appointed, after consultation with such bodies as the Minister thinks fit, to represent agriculture, commerce, industry, labour and the general interests of consumers of electricity and other persons or organisations interested in the development of electricity in the area.

PART I.
—cont.

In making the appointments mentioned in paragraph (b) of this subsection, the Minister shall have particular regard to any nominations made to him by the bodies aforesaid of persons who are recommended by them as having both adequate knowledge of the requirements of the interests to be represented and also the ability to exercise a wide and impartial judgment on the matters to be dealt with by the Council generally.

(3) A person shall be disqualified for being appointed or being the chairman of a Consultative Council so long as he is a member of the Commons House of Parliament, but a member of a Consultative Council other than the chairman shall not by reason of his appointment as such a member be disqualified for being elected to, or for sitting or voting as a member of, the Commons House of Parliament.

(4) Each of the said Councils shall be charged with the duties—

(a) of considering any matter affecting the distribution of electricity in the area, including the variation of tariffs and the provision of new or improved services and facilities within the area, being a matter which is the subject of a representation made to them by consumers or other persons requiring supplies of electricity in that area, or which appears to them to be a matter to which consideration ought to be given apart from any such representation, and where action appears to them to be requisite as to any such matter, of notifying their conclusions to the Area Board; and

(b) of considering and reporting to the Area Board on any such matter which may be referred to them by that Board.

(5) Each of the said Councils shall be informed by the Area Board of that Board's general plans and arrangements for exercising and performing their functions under this Act and may make representations thereon to that Board.

(6) The Area Board shall consider any conclusion, reports and representations notified or made to them by the Council for their area under the two last foregoing subsections and the Council may, after consultation with the Area Board, make representations to the Central Authority on matters arising thereout.

PART I.
—cont.

(7) Where representations have been so made to the Central Authority and it appears to that Authority, after consultation with the Area Board and with the Council, that a defect is disclosed in that Area Board's general plans and arrangements for the exercise and performance of their functions under this Act, the Central Authority may give to the Area Board such directions as they think fit for remedying the defect and the Area Board shall give effect to any such directions.

(8) A Consultative Council may, after consultation with the Central Authority, make representations to the Minister on any matters arising out of representations made by them to the Central Authority under subsection (6) of this section, and if it appears to the Minister, after consultation with the Area Board and with the Council, that a defect is disclosed in the Area Board's general plans and arrangements for the exercise and performance of their functions under this Act, he may notify the defect to the Central Authority, and thereupon the Central Authority shall give to the Area Board such directions as they think necessary for remedying the defect, and the Area Board shall give effect to any such directions.

(9) Every Consultative Council shall prepare and submit to the Minister a scheme for the appointment by them of committees or individuals to be local representatives of the Council in such localities as may be specified in the scheme, and it shall be the duty of such committees and individuals to consider the particular circumstances and requirements of those localities with respect to the distribution of electricity and to make representations to the Council thereon, and to be available for receiving on behalf of the Council representations from consumers in those localities; and, if the scheme is approved by the Minister, the Consultative Council shall put it into effect.

A member of a Consultative Council shall be eligible for appointment under such a scheme, either as a member of a committee or as an individual, but membership of the Council shall not be a necessary qualification for such an appointment.

(10) A Consultative Council may, subject to the approval of the Minister as to numbers, appoint such officers as appear to the Council to be requisite for the proper exercise and performance of their functions (including functions of any committee or individual appointed under the last foregoing subsection), and there shall be paid by the Central Authority—

- (a) to the members of the said Councils or of any such committee or to any such individual such allowances in respect of any loss of remunerative time and such travelling allowances and allowances in respect of their out-of-pocket expenses; and

(b) to the officers of the said Councils such remuneration (whether by way of salary or fees) and such allowances,

PART I.
—*cont.*

as the Minister may with the approval of the Treasury determine.

(11) A Consultative Council shall be furnished by the Area Board concerned with such office accommodation as appears to the Board to be requisite for the proper exercise and performance of their functions (including the functions of any such committee or individual as aforesaid) or as may be directed by the Minister.

(12) Where, in consequence of the variation of the areas of Area Boards under the foregoing provisions of this Part of this Act, it is necessary to establish new Consultative Councils under this section, the Minister may by order provide for dissolving and winding up the affairs of any Consultative Council who cease to exercise or perform functions by reason of the variation.

(13) Provision may be made by regulations in relation to Consultative Councils for any matters for which provision may be made by regulations under section three of this Act in relation to the Central Authority and any Area Board, and for the appointment of a chairman of each of the said Councils, with or without provision for another to act in his place, and, subject to the provisions of any such regulations, the said Councils shall have power to regulate their own procedure.

(14) The foregoing provisions of this section other than subsection (8) shall apply to the North of Scotland Board as if that Board were an Area Board and the North of Scotland District were the area of an Area Board, subject to the modifications that—

(a) for references to the Minister there shall be substituted references to the Secretary of State; and

(b) for the references to the Central Authority there shall be substituted—

(i) in subsections (6) and (7) references to the Secretary of State, and

(ii) in subsection (10) references to the North of Scotland Board.

8.—(1) The Central Authority shall, as soon as possible after the end of each financial year, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programmes, and every Area Board shall, as soon as possible after the end of each financial year, make to the Central Authority a report on the exercise and performance by them of their functions during that year and on their policy and programmes.

Annual reports
of Central
Authority and
Area Boards.

PART I.
—*cont.*

(2) The report of the Central Authority for any year shall set out any direction given by the Minister to the Authority during that year unless the Minister has notified the Authority his opinion that it is against the interests of national security to do so, and the Central Authority shall submit with their report for any year copies of the reports for that year of the Area Boards.

(3) The Minister may give directions as to the form of the reports to be made under this section, and the Central Authority and Area Boards shall comply with any such directions.

(4) A Consultative Council may, as respects any financial year of the Area Board for their area or, if their area is the North of Scotland District, of the North of Scotland Board, make to the Board a report on the exercise and performance by the Council of their functions during that year, and any such report shall be made to the Board as soon as possible after the end of the said financial year, and the Board shall include that report in the report made by them under this section or, as the case may be, under section twenty-three of the Act of 1943.

(5) The Minister shall lay before each House of Parliament a copy of the report made for each financial year by the Central Authority together with copies of the reports of the Area Boards, and shall at the same time lay before each House of Parliament a report with respect to the exercise of his functions during that year under this Act and the Electricity (Supply) Acts, 1882 to 1936, except as regards matters which in his opinion it is against the interests of national security to disclose.

Compulsory
purchase of
land.

9 & 10 Geo. 6.
c. 49.

9.—(1) The Minister may authorise any Electricity Board to purchase compulsorily any land which they require for any purpose connected with the discharge of their functions, and the Acquisition of Land (Authorisation Procedure) Act, 1946 (except section two thereof), shall apply, in relation to any such compulsory purchase, as if the Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act.

(2) In this section the expression "land" includes easements and other rights over land, and an Electricity Board may be authorised under this section to purchase compulsorily a right to place an electric line across land, whether above or below ground, and to repair and maintain the line, without purchasing any other interest in the land.

In relation to the compulsory purchase of any such right to place an electric line across land, the said Acquisition of

Land (Authorisation Procedure) Act, 1946 (except section two thereof), and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the land across which the line is to be placed, and references to the obtaining or taking possession of the first-mentioned land were construed as references to the exercise of the said right.

PART I.
—cont.

(3) Section fourteen of the Schedule to the Electric Lighting (Clauses) Act, 1899 (as incorporated with this Act), so far as the said section relates to the Postmaster General, shall apply to the placing of an electric line in pursuance of any right purchased under this section in like manner as it applies to the execution of works involving the placing of lines in, under, along, or across any street or public bridge. ^{62 & 63 Vict. c. 19.}

(4) This section shall, in relation to the North of Scotland Board, only apply to the purchase of land or rights other than land or rights required by them for the purposes of a constructional scheme under the Act of 1943, and shall apply with the substitution of a reference to the Secretary of State for the reference to the Minister.

10. The Central Authority and any Area Board may, with the consent of the Minister, and the North of Scotland Board may, with the consent of the Secretary of State, promote Bills in Parliament and any Electricity Board may oppose any Bill in Parliament, and this power shall be in lieu of any power to promote or oppose Bills which an Electricity Board might otherwise possess under any of the provisions of this Act as successors to any authorised undertakers. ^{Power of Electricity Boards to promote and oppose Bills.}

11.—(1) Subject to the provisions of subsection (2) of this section, nothing in this Act shall be deemed to exempt any Electricity Board from any liability for any tax, duty, rate, levy or other charge whatsoever whether general or local. ^{Electricity Boards not to be exempt from taxation, etc.}

(2) For the purposes of section fifty-two of the Finance Act, 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes) any transfers of property from one Electricity Board to another effected by an order made under this Act shall be deemed to be part of the initial putting into force of such a scheme. ^{9 & 10 Geo. 6. c. 64.}

12.—(1) The Public Authorities Protection Act, 1893, and section twenty-one of the Limitation Act, 1939, shall not apply to any action, prosecution or proceeding against any Electricity Board or in respect of any act, neglect or default done or committed by a servant or agent of any such Board in his capacity as a servant or agent of theirs. ^{Liability of Electricity Boards in actions, etc. 56 & 57 Vict. c. 61. 2 & 3 Geo. 6. c. 21.}

PART I.
—cont.

(2) In their application to any such action as aforesaid sections two and three of the Limitation Act, 1939 (which relate to limitation of actions of contract and tort and certain other actions), shall have effect with the substitution therein for references to six years of references to three years.

PART II.

ACQUISITION OF ELECTRICITY UNDERTAKINGS.

Vesting of Assets.

Bodies to
whom Part II
of Act applies.

13.—(1) This Part of this Act applies to—

- (a) the bodies specified in the Second Schedule to this Act (hereafter in this Act referred to as “ authorised undertakers ”) being the bodies who fall within the class described in the next following subsection;
- (b) every company (hereafter in this Act referred to as a “ power station company ”) who are not authorised undertakers but whose business wholly or mainly consists in the construction, owning or operating of a generating station or stations for the supply of electricity to authorised undertakers; and
- (c) every company (hereafter in this Act referred to as an “ electricity holding company ”) who—
 - (i) are not authorised undertakers, or a power station company,
 - (ii) had at the date of the last audited balance sheet of the electricity holding company before the first day of January, nineteen hundred and forty-six, one or more subsidiary companies, being authorised undertakers or power station companies, and
 - (iii) at the said date held securities of, or rights in respect of moneys owed by, the said subsidiary companies, the value of which, as shown in that balance sheet, amounted to not less than three-quarters of the total amount of all the assets of the holding company as so shown:

Provided that any company who are not authorised undertakers, a power station company or an electricity holding company but who hold securities of, or rights in respect of monies owed by, authorised undertakers or power station companies amounting to a substantial proportion of the assets of the first mentioned company, may serve on the Minister,

not later than two months after the passing of this Act, a notice stating that they wish to be treated as an electricity holding company, and the Minister may, on the service of such notice, if he thinks fit, by order direct that this Act is to have effect, and be deemed always to have had effect, as if the company were an electricity holding company, and this Act shall have effect accordingly.

(2) The class of bodies referred to in paragraph (a) of the last foregoing subsection are—

- (i) bodies who supply electricity, under the authority of any enactment, in any area of supply in Great Britain; and
- (ii) bodies who supply electricity, under the authority of an enactment, to the bodies mentioned in paragraph (i) hereof or to the Central Electricity Board:

Provided that the said class does not include—

- (a) the North of Scotland Board;
- (b) any body, other than a local authority, whose business as suppliers of electricity consists wholly or mainly in the supply of electricity for consumption by themselves or by a company of whom they are a subsidiary company;
- (c) any local authority who supply electricity for the purposes of a transport undertaking carried on by them and do not supply electricity for other purposes to any substantial extent; or
- (d) any body, other than a local authority, who carry on a transport undertaking and who do not supply electricity under any provisional or special order made under the Electricity (Supply) Acts, 1882 to 1936.

(3) Where a special order made under section twenty-six of the Electricity (Supply) Act, 1919, comes into force between the passing of this Act and the vesting date and provides for the transfer of the undertaking or any part of the undertaking of any authorised undertakers to another body, the order may—

- (a) if the body from whom the undertaking or part thereof is transferred no longer falls within the class described in subsection (2) of this section, provide that this Part of this Act shall not apply to that body;
- (b) if by reason of the transfer, the body to whom the undertaking or part thereof is transferred falls within the said class, provide that this Part of this Act shall apply to that body;

PART II.
—*cont.*

and this Act shall have effect in accordance with any such direction.

(4) Any such special order may, for the purpose of giving effect to a transfer of the undertaking or part thereof, revoke or amend any enactment relating to the powers of the body from whom the undertaking or part thereof is transferred.

(5) For the purposes of paragraph (c) of subsection (1) of this section, where the value of any such securities or rights as are therein mentioned is not separately shown in the balance sheet therein mentioned, by reason that they are grouped with other assets of the company and the balance sheet shows the value of the group as a whole, the value placed on the said securities or rights in the books of the company and used in arriving at the value of the group of assets as so shown shall have effect as if it had been shown separately in the balance sheet.

(6) Where an agreement under section eighteen of the Act of 1943 for the transfer to the North of Scotland Board of the whole or any part of the undertaking of any undertakers comes into force between the passing of this Act and the vesting date, and the undertakers thereupon cease to fall within the class described in subsection (2) of this section, this Part of this Act shall not apply to them.

Vesting of
assets of
electricity
undertakings.

14.—(1) Subject to the provisions of this Part of this Act all property, rights, liabilities and obligations which, immediately before such date as may be appointed by order of the Minister (in this Act referred to as "the vesting date") were property, rights, liabilities and obligations of a body to whom this Part of this Act applies, shall on the vesting date vest by virtue of this Act and without further assurance in such Electricity Board or Boards as may be specified in the following provisions of this section or determined thereunder.

The vesting date shall be not less than six months after the establishment of the Central Authority and not less than three months after the establishment of all the Area Boards and the definition by order made under Part I of this Act of all the areas for which those Boards are established and shall not be earlier than the first day of April, nineteen hundred and forty-eight.

(2) Subject to the provisions of this section relating to the North of Scotland District—

(a) the property, rights, liabilities and obligations mentioned in subsection (1) of this section of the

Central Electricity Board, any power station company and any electricity holding company, shall vest in accordance with the said subsection (1) in the Central Authority;

PART II.
—*cont.*

- (b) the property, rights, liabilities and obligations aforesaid of any authorised undertakers to whom this Part of this Act applies (other than the Central Electricity Board) shall vest as aforesaid in such one of the Area Boards as may be determined by order of the Minister:

Provided that—

(i) all generating stations of any such authorised undertakers and all main transmission lines of such undertakers, being lines connecting a generating station directly with another generating station or with any main transmission lines of the Central Electricity Board, and all property and rights held or used by the undertakers wholly or mainly for the purposes of such stations and transmission lines and all liabilities and obligations wholly or mainly incurred by the undertakers for those purposes;

(ii) all rights, liabilities and obligations under agreements between any authorised undertakers and any railway undertakers for the supply of electricity to the railway undertakers for the purposes of haulage or traction, and all transmission lines used wholly or mainly for the purpose of giving a supply to any railway undertakers for the purposes of haulage or traction; and

(iii) all investments and cash of any such undertakers and all rights and liabilities thereof in respect of income tax and excess profits tax;

shall vest in the Central Authority and not in an Area Board.

- (3) The last foregoing subsection shall not apply—

(a) to any authorised undertakers or power station company whose undertaking is wholly or mainly carried on in the North of Scotland District; or

(b) to any electricity holding company whose interests in undertakings of authorised undertakers and power station companies consist wholly or mainly of interests in the undertakings of undertakers and companies referred to in paragraph (a) of this subsection;

and the property, rights, liabilities and obligations referred to in subsection (1) of this section of any such undertakers or

PART II.
—cont.

company shall vest in accordance with that subsection in the North of Scotland Board instead of the Central Authority or an Area Board, as the case may be.

(4) Any dispute arising under either of the last two foregoing subsections as to the Electricity Board in whom any property, rights, liabilities or obligations are to vest shall be determined by the Minister or, if the North of Scotland Board is a party to the dispute, by the Minister and Secretary of State jointly.

(5) Subject to the provisions of this Part of this Act, every agreement to which any body to whom this Part of this Act applies were a party immediately before the vesting date, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the body, shall, unless its terms or subject matter make it impossible that it should have effect as modified in manner provided by this subsection, have effect as from the vesting date as if—

- (a) the appropriate Board had been a party to the agreement;
- (b) for any reference (however worded and whether express or implied) to the body there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the appropriate Board;
- (c) for any reference (however worded, and whether express or implied) to, or to any part of, or to any sum determined by reference to, any profits or receipts of the undertaking of the body or any part of that undertaking there were substituted, as respects profits or receipts arising on or after the vesting date, a reference to, or to the corresponding part of, or to a sum similarly determined by reference to, an estimate of what those profits or receipts would have been but for the vesting of the undertaking or part thereof in the appropriate Board;
- (d) for any reference (however worded and whether express or implied) to the directors or any director of the body there were substituted, as respects anything falling to be done on or after the vesting date, a reference to such person as the appropriate Board may direct;
- (e) for any reference (however worded and whether express or implied) to any officer of the body there were substituted, as respects anything falling to be

done on or after the vesting date, a reference to such person as the appropriate Board may appoint or, in default of appointment, to the officer of the Board who corresponds as nearly as may be to the first mentioned officer;

PART II.

—*cont.*

(f) in the case of an agreement for the rendering of personal services to the body, the services to which the agreement relates were, on and after the vesting date, any services under the appropriate Board to be selected by that Board, which are reasonably equivalent services; and

(g) save as provided by the four last foregoing paragraphs, for any reference (however worded and whether express or implied) to the undertaking of the body or any part of that undertaking or to the area of supply of the body or any part of that area there were substituted, as respects anything falling to be done on or after the vesting date, a reference to so much of the business carried on by the appropriate Board as corresponds to the undertaking or part of the undertaking of the body or, as the case may be, a reference to the area constituting the said area of supply or part thereof immediately before the vesting date.

(6) Other documents, not being enactments, which refer, whether specifically or generally, to any such body, shall be construed in accordance with the provisions of the last foregoing subsection, so far as applicable.

(7) Without prejudice to the generality of the foregoing provisions of this section, where, by the operation of any of the said provisions, any right, liability or obligation vests in an Electricity Board, the Board and all other persons shall, as from the vesting date, have the same rights, powers and remedies (and in particular the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Board, and any legal proceedings or applications to any authority pending on the vesting date by or against the body, in so far as they relate to any property, right, liability or obligation vested in an Electricity Board by virtue of this Act, or to any agreement or document which has effect in accordance with subsection (5) or subsection (6) of this section, or to any enactment applied to the Board by or under this Act, shall be continued by or against the Board to the exclusion of the body.

PART II.
—cont.

(8) Notwithstanding anything in this section—

- (a) there shall not, by reason of the vesting of property, rights, liabilities or obligations of any body to whom this Part of this Act applies, in any Electricity Board, be transferred to the Board any right, liability or obligation of the body in respect of any securities issued by the body;
- (b) where any agreement provides for the borrowing of money by any such body or the raising of money by the issue of securities of any such body and the money has not been borrowed or raised before the vesting date, no right, liability or obligation under the agreement shall be transferred to any such Board;
- (c) no right, liability or obligation under any agreement for the rendering by any person of services to any such body as a director (other than a managing director or a director whose functions are substantially those of an employee) shall be transferred to any such Board, except any liability in respect of fees earned or expenses incurred before the vesting date; and
- (d) no right, liability or obligation of any such body, being a right exercisable against, or a liability or an obligation to, any other such body shall be transferred to any such Board:

Provided that where, under an agreement subsisting immediately before the vesting date, a body to whom this Part of this Act applies were under an obligation to give a bulk supply of electricity to another such body, and the obligation to give that supply and the right to receive it would, but for this subsection, have vested in different Area Boards, the Area Board in whom that obligation would have vested shall continue to give the bulk supply to the other Area Board on such terms and conditions as may be agreed between them or, in default of agreement, as may be determined by the Central Authority.

(9) Regulations may provide for the registration of the title of any Electricity Board to assets vesting in them by virtue of this Act, being assets of a kind subject to provision for the registration of title thereto, and for any other matters for which provision appears to the Minister to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in any such Board by virtue of this Act.

(10) In this section the expression "the appropriate Board" means, in relation to any body all of whose property,

rights, liabilities and obligations vest by virtue of this Act in a single Electricity Board, that Board, and in any other case means—

PART II.
—cont.

- (a) in relation to an agreement, the Electricity Board in whom rights, liabilities and obligations under the agreement vest by virtue of this Act; and
- (b) in relation to any document other than an agreement, the Electricity Board appearing from the subject matter of that document to be concerned therewith.

(II) Subject to the next following section and section seventeen of this Act, every body to whom this Part of this Act applies shall be dissolved on the vesting date.

15.—(1) In the case of any authorised undertakers being a local authority the provisions of the last foregoing section shall only apply to property held or used by the local authority wholly or mainly in their capacity as authorised undertakers, and rights, liabilities and obligations acquired or incurred by the local authority in the said capacity, and accordingly references in that section to the property, rights, liabilities and obligations of a body to whom this Part of this Act applies, or to any agreement to which any such body was a party, or to documents referring to any such body, or to legal proceedings or applications by or against any such body shall be construed as references to property held or used by the local authority wholly or mainly in their capacity as authorised undertakers and rights, liabilities and obligations acquired or incurred by the local authority in the said capacity or, as the case may be, to agreements, documents, legal proceedings or applications of or relating to the local authority in their capacity as authorised undertakers, and subsection (II) of the last foregoing section shall not apply to any such local authority.

Provisions as to undertakings of local authorities.

(2) Regulations may provide—

- (a) for excluding from or including in the property, rights, liabilities and obligations which vest in an Electricity Board by virtue of this Act, such property, rights, liabilities or obligations held, used, acquired or incurred by any such local authority partly in their capacity as authorised undertakers and partly in other capacities, on such terms (which may include the payment of money), as may be agreed between the Electricity Board concerned and the local authority or, in default of agreement, determined in accordance with the regulations;
- (b) for requiring any Electricity Board, as respects property which vests in them by virtue of this Act, being property held or used by any such local authority

PART II.
—cont.

partly in their capacity aforesaid and partly in other capacities, to grant to the local authority such interests in the property or rights over or attaching to the property or in respect of the user thereof, on such terms (which may include the payment of money), as may be agreed between the Electricity Board and the local authority or, in default of agreement, determined in accordance with the regulations, or for requiring the similar grant of interests or rights by the local authority to the Electricity Board in a case where such property does not vest in the Board;

- (c) for conferring on any Electricity Board in whom land of any such local authority is vested easements and other rights over or attaching to other land of the local authority, being easements and rights which are required to enable land which is so vested to be used for the purposes of the Board, on such terms (including the payment of money) as may be agreed between the Electricity Board and the local authority or, in default of agreement, determined in accordance with the regulations;
- (d) for the severance of leases comprising land of which part only was used by the local authority in their capacity as authorised undertakers, and for apportionments and indemnities consequent on such severance;
- (e) for substituting for any agreement entered into by any such local authority partly in their capacity as authorised undertakers and partly in other capacities separate agreements in the requisite terms, and for any apportionments and indemnities consequent thereon; and
- (f) for any other matters supplementary to or consequential on the matters aforesaid for which provision appears to the Minister to be necessary or expedient.

For the purposes of this subsection, any property which is held or used by a local authority temporarily in their capacity as authorised undertakers and normally in other capacities, or normally in the said capacity and temporarily in other capacities, shall be deemed to be property held or used by a local authority partly in the said capacity and partly in other capacities.

(3) Any question arising under this section as to whether any property is or was held or used by any such local authority wholly or mainly in their capacity as authorised undertakers, or whether any property is or was (for the purposes

of the last foregoing subsection) held or used partly in the said capacity and partly in other capacities, or whether any rights, liabilities or obligations were acquired or incurred by any such local authority in the said capacity or whether any agreements or documents relate or related to any such local authority in their capacity as authorised undertakers, shall, in default of agreement, be determined by the Minister of Health, and he shall have regard to whether or not entries relating to any property, rights or liabilities were or ought to have been included in accounts furnished by the local authority to the Electricity Commissioners under section nine of the Electric Lighting Act, 1882.

PART II.
—*cont.*

45 & 46 Vict.
c. 56.

(4) Where at any time before the expiration of three months beginning with the vesting date a local authority has served on the Minister of Health and on the Electricity Board concerned, or an Electricity Board has served on the said Minister and on the local authority concerned, a notice in the prescribed form stating that a question has arisen under this section or under any regulations made thereunder as to—

- (a) whether any property is or was held or used by the local authority wholly or mainly in their capacity as authorised undertakers and accordingly vests in the Electricity Board by virtue of this Act;
- (b) whether any property of the local authority ought to be excluded from or included in the property which so vests;
- (c) whether interests in any property of the local authority, or rights over or attaching to such property or in respect of the user thereof, ought to be granted by the local authority to the Electricity Board or by the Board to the authority; or
- (d) whether any lease ought to be severed;

and the question has not been settled by agreement or determined before the vesting date, the property concerned shall not, pending such agreement or determination, vest in the Electricity Board by virtue of this Act and, if the notice is given after the vesting date, shall be deemed not to have so vested, but the property shall, so far as it is so to vest having regard to the agreement or determination, vest on such date as may be agreed or determined, and pending the settlement or determination of the said question and the vesting of property and the granting of interests or rights in accordance therewith, the Electricity Board shall be entitled and shall be deemed to have been entitled as from the vesting date to use the property for the like purposes and to the like extent as it was used, immediately before that date, by the local authority in their capacity

PART II.
—*cont.*

as authorised undertakers, on such terms (which may include the payment of money) as may be agreed between the Electricity Board and the local authority or, in default of agreement, determined by the Minister of Health.

(5) Notwithstanding anything in the last foregoing section or this section, there shall not, by reason of the vesting of property, rights, liabilities and obligations of any local authority, in any Electricity Board, be transferred to that Board any liabilities or obligations in respect of any loan raised by the local authority, or be transferred to that Board any property forming part of a sinking fund established for the redemption of any such loan, and any property vesting in the Board, being property subject to a mortgage created for securing the repayment of any such loan, shall vest free of the mortgage.

(6) References in the following provisions of this Act to bodies to whom this Part of this Act applies (not being references which expressly exclude local authorities) shall be construed, in relation to a local authority, as referring to that authority in their capacity as authorised undertakers.

Right of pre-emption for local authorities in respect of land vested in an Electricity Board.

16.—(1) Where any land of a local authority vests by virtue of this Act in an Electricity Board, the local authority shall, for a period of ten years from the date of the vesting of the land, have the right of pre-emption conferred by the subsequent provisions of this section.

(2) If the Electricity Board in whom the land vests by virtue of this Act, or any other Electricity Board to whom it is subsequently transferred, desire within the said period of ten years, to dispose to any person other than an Electricity Board, whether absolutely or for a term of years, of any of that land as being land not required by the Board for the discharge of their functions under this Act, they shall before disposing of it give to the local authority at least three months' notice, stating whether they desire to dispose of it absolutely and, if not, stating the term of years for which they desire to dispose of it.

(3) Where the local authority receive a notice under subsection (2) of this section and notify the Board, before the expiration of the period of three months from the date of the Board's notice, that they desire to acquire the land either absolutely or for the term of years specified in the Board's notice, as the case may be, they shall have the right and be under an obligation to acquire that land on such terms as may be agreed between the Board and the authority or,

in default of agreement; as may be determined by arbitration to be fair and reasonable having regard to all the circumstances of the case.

PART II.

—*cont.*

(4) The right of pre-emption conferred upon the local authority by this section shall be deemed to be an estate contract within the meaning of section ten of the Land Charges Act, 1925, and that Act and the Land Registration Act, 1925, shall have effect accordingly. 15 & 16 Geo. 5.
c. 22.
15 & 16 Geo. 5.
c. 21.

17.—(1) This section applies to the companies (in this Act referred to as “composite companies”) who are specified in Part II of the Second Schedule to this Act, being companies who, by virtue of any enactment, supply gas, or gas and water, as well as electricity: Composite
companies.

Provided that this section shall not apply to any such company who serve on the Minister, not later than two months after the passing of this Act, a notice stating that they do not wish this section to apply to them, and references in this Act, except in the said Schedule, to composite companies shall not be construed as referring to any company who have served such a notice.

(2) The provisions of section fourteen of this Act shall, in the case of composite companies, only apply to property held or used by the company wholly or mainly in their capacity as authorised undertakers, and to rights, liabilities and obligations acquired or incurred by the company in the said capacity, and accordingly references in that section to the property, rights, liabilities and obligations of a body to whom Part II of this Act applies, or to any agreement to which any such body was a party, or to documents referring to any such body, or to legal proceedings or applications by or against any such body shall be construed as references to property held or used by the company wholly or mainly in their capacity as authorised undertakers, and rights, liabilities and obligations acquired or incurred by the company in the said capacity or, as the case may be, to agreements, documents, legal proceedings or applications of or relating to the company in their capacity as authorised undertakers, and subsection (11) of the said section shall not apply to any composite company.

(3) Any question arising under this section as to whether any property is or was held or used by a composite company wholly or mainly in their capacity as authorised undertakers or whether any rights, liabilities or obligations were acquired or incurred by any such company in the said capacity or whether any agreements or documents relate to any such

PART II.
—cont.

company in the said capacity shall, in default of agreement, be determined by arbitration under this Act, and the arbitration tribunal shall have regard to whether or not entries relating to any property, rights or liabilities were or ought to have been included in the accounts furnished by the company to the Electricity Commissioners under section nine of the Electric Lighting Act, 1882.

(4) Subsections (2) and (4) of section fifteen of this Act shall apply to a composite company in like manner as they apply to a local authority, subject to the modification that for references to the Minister of Health there shall be substituted references to the Minister, and any question whether any property is or was (for the purposes of the said subsection (2) as so applied) held or used partly in the said capacity and partly in other capacities shall, in default of agreement, be determined by arbitration under this Act, and the last foregoing section shall also apply to a composite company in like manner as it applies to a local authority.

(5) No part of the cash and investments of a composite company shall vest in an Electricity Board under section fourteen of this Act, and the last two foregoing subsections shall accordingly not apply thereto, but regulations shall, subject to the provisions of this Part of this Act with respect to the final payment of dividends and interest, provide for the apportionment, as between the Board and the company, of the whole of the cash and investments of the company, together with any income accruing thereon pending such apportionment, in such shares as may be agreed between them or, in default of such agreement, determined in accordance with the regulations.

Any references in the following provisions of this Act to property which vests by virtue of this Act shall include a reference to property apportioned to an Electricity Board under this subsection.

(6) Regulations may make provision for the apportionment of, and the making of financial adjustments with respect to, any liabilities incurred by a composite company partly in their capacity as authorised undertakers and partly in other capacities, and for any necessary variation of mortgages and incumbrances relating to such liabilities.

(7) Where any property of a composite company which vests by virtue of this Act in an Electricity Board is subject to any mortgage or other incumbrance created for the purpose of securing a debt which does not so vest in the Board and is not apportioned as between the Board and the company, the property shall vest free of that mortgage or incumbrance.

PART II.

—cont.

(8) The Electricity Board in whom any property, rights, liabilities or obligations of any composite company vest by virtue of this Act shall make available to the company such facilities for the examination of and the making of extracts from or copies of books, accounts and documents relating to the electricity undertaking of the company as the company may reasonably require for the purposes of this Act and for other purposes arising out of the carrying on of the company's business, and such services of officers of the Board as they may reasonably require to enable them to make use of those facilities.

(9) References in the following provisions of this Act, except section twenty-six thereof, to bodies to whom this Part of this Act applies (not being references which expressly exclude composite companies) shall be construed, in relation to a composite company, as referring to that company in their capacity as authorised undertakers.

18.—(1) Where any Electricity Board in whom are vested the rights, liabilities and obligations of any body to whom this Part of this Act applies, being rights, liabilities and obligations under an agreement made or varied on or after the nineteenth day of November, nineteen hundred and forty-five, are of opinion that the making or the variation of that agreement was not reasonably necessary for the purposes of the activities of the said body or that the agreement was made or varied with an unreasonable lack of prudence on the part of the said body, the Board may, by notice in writing given to the other parties to the agreement before the expiration of three months from the vesting date, disclaim the agreement:

Disclaimer
of agreements
and leases.

Provided that any of the said parties may, within the prescribed period from the date on which the notice is served, refer to arbitration under this Act the question whether or not the agreement or variation thereof was reasonably necessary as aforesaid, or was made or varied with unreasonable lack of prudence, and, on such arbitration, the arbitration tribunal shall either confirm or revoke the notice.

(2) Where a notice is so given by an Electricity Board with respect to any agreement and is not revoked by the arbitration tribunal—

- (a) subsection (5) of section fourteen of this Act shall be deemed never to have applied to the agreement;
- (b) the agreement shall be deemed to have been frustrated on the vesting date and the parties thereto for that reason to have been discharged from the further performance thereof; and

PART II.
—*cont.*

- (c) the like consequences shall follow as between the Board and any party to the agreement who, before the date on which the notice of disclaimer becomes final, has in pursuance of the agreement, supplied goods or rendered services to the Board which the Board have accepted, or to whom, before the said date, the Board have, in pursuance of the agreement, supplied goods or rendered services which he has accepted, as would have followed if those goods or services had been supplied or rendered at the request of the Board or of that party, as the case may be, apart from the agreement, and any payments by or to the Board before the said date shall be adjusted accordingly.

For the purposes of this subsection, a person who permits another to use or enjoy any property or rights shall be deemed to render a service to him.

(3) Subsection (1) of this section, but not subsection (2), shall apply to leases, and where a notice of disclaimer is given by the Board under subsection (1) with respect to any lease and is not revoked by the arbitration tribunal, the lease shall be deemed to be surrendered on the date on which the notice of disclaimer becomes final.

(4) Where any lease is disclaimed under this section, the arbitration tribunal may, on the application of the Electricity Board who gave the notice or the other party to the lease, make such modifications (if any) of the provisions of the lease relating to repairing obligations or any other provisions taking effect on or within a limited time before the determination of the lease as they think just.

(5) Where any agreement (other than a lease) is disclaimed under this section, then, for the purposes of the Law Reform (Frustrated Contracts) Act, 1943, the Electricity Board in whom any rights, liabilities or obligations under the agreement are or would (but for the frustration) be vested shall be deemed to have been a party to the agreement in lieu of the body from whom those rights, liabilities or obligations were or would have been transferred.

(6) For the purposes of this section, a notice of disclaimer which is not revoked shall be deemed to become final on the following date, that is to say,—

- (a) if no reference to arbitration is made under subsection (1) of this section, the date on which the period for making such a reference expires;
- (b) in any other case, the date on which the notice is confirmed by the arbitration tribunal.

(7) This section shall not apply to any agreement or lease made or varied with the previous consent of the Electricity Commissioners given for the purpose of any enactment other than this section nor shall it apply to any agreement or lease the making or variation of which has been approved in writing by the Minister, either generally or specially, and whether before or after the date of the making or variation of the agreement or lease.

PART II.
—cont.

19.—(1) The Minister may, whether on the application of any of the Electricity Boards concerned or without any such application, provide by order—

Subsequent transfer of property from one Electricity Board to another.

- (a) for the transfer to any Electricity Board of any property, rights, liabilities and obligations vested by virtue of this Act in another such Board;
- (b) for the modification of agreements so far as necessary for giving effect to the transfer of rights, liabilities and obligations thereunder from one such Board to another and, in a case where part only of the rights, liabilities and obligations under any agreement are transferred, for substituting for the agreement separate agreements in the requisite terms, and for any apportionments and indemnities consequent thereon;
- (c) for the purpose of transferring part of the land comprised in any lease vested in any such Board to another such Board, for the severance of that lease, and for apportionments and indemnities consequent thereon;
- (d) for such other financial adjustments between the Boards concerned as may be required in consequence of any such order, and for any other matters supplementary to or consequential on the matters aforesaid for which provision appears to the Minister to be necessary or expedient:

Provided that the Minister shall consult the Central Authority before making any such order.

(2) An order made under this section which affects the North of Scotland Board shall be made by the Minister and the Secretary of State jointly, and they shall consult that Board before making any such order.

Compensation to Holders of Securities.

20.—(1) Every holder of securities of any body to whom this Part of this Act applies, not being securities of a local authority or a composite company, shall be entitled to be compensated by the issue to him by the Central Authority, in

Compensation to holders of securities of bodies other than local authorities.

PART II.
—*cont.*

accordance with the provisions of the Third Schedule to this Act, of British Electricity Stock of such amount as in the opinion of the Treasury is at the vesting date of a value equal to the value of the said securities held by him, regard being had (in estimating the value of the stock so issued) to the market value of government securities at the vesting date:

Provided that—

- (a) if the whole of the beneficial interest in any such securities was, immediately before the vesting date, vested in any body to whom this Part of this Act applies, no compensation shall be payable in respect of those securities and the securities shall be extinguished on the vesting date;
- (b) if the holder of any such securities was such a body, but the whole of the beneficial interest was not so vested, the stock issued as aforesaid in respect of those securities shall be held by the Central Authority, and the said Schedule shall have effect as if the Authority were the holder of those securities; and
- (c) any stock issued as aforesaid in respect of securities guaranteed by the Treasury shall be of the same nominal amount, shall carry interest at the same rates and payable at the same dates, and shall if redeemable be redeemed in the same manner and at the same times and by payment of the same amounts, as in the case of the securities.

(2) For the purposes of this section, the value of any securities of any such body which were quoted in the Stock Exchange Official Daily List on all six of the following dates, that is to say, the first, fourth, fifth, sixth, seventh and eighth days of November, nineteen hundred and forty-six, shall, subject as hereinafter provided, be deemed to be the average of the mean of the quotations therefor appearing in the said list on those dates, such addition, if any, being made to that average as is necessary to make it a complete multiple of one penny:

Provided that where—

- (a) quotations for the securities appeared in the said list on any of the following dates (hereinafter referred to as "the alternative dates"), that is to say, the fifteenth day of February, the fifteenth day of March, the sixteenth day of April, the fifteenth day of May, the fifteenth day of June, and the sixteenth day of July, nineteen hundred and forty-five; and
- (b) the average mentioned in the foregoing provisions of this subsection is less than the average of the

mean of the quotations for the securities appearing in the said list on all the alternative dates on which a quotation therefor so appeared;

PART II.
—*cont.*

the value of the securities for the purposes of this section shall be deemed to be the average of the mean of the quotations therefor appearing in the said list on the alternative dates.

(3) Where, in the case of any class of securities to which the last foregoing subsection applies, there has been at any time after the eighth day of November, nineteen hundred and forty-six, a fresh issue of securities of that class, the value of every security of that class for the purposes of this section shall, instead of being determined under the last foregoing subsection, be deemed to be the average of the values of all the securities of that class calculated on the basis that—

- (a) the value of each of the securities comprised in that issue is the price at which it was issued, and
- (b) the value of the remaining securities is the value which those securities had for the purposes of this section immediately before the issue took place.

(4) Where, at any time after the eighth day of November, nineteen hundred and forty-six, any securities to which subsection (2) or subsection (3) of this section applies have been converted into securities of a different nominal value—

- (a) the value of those securities as so converted shall, for the purposes of this section, be deemed to be a value bearing to the value which the securities had for the purposes of this section immediately before the conversion took place the same proportion as the nominal value of the securities as converted bears to the nominal value of the securities immediately before the conversion took place; and
- (b) the last foregoing subsection shall apply to securities which have been converted as aforesaid, but if a part only of a class of securities has been converted as aforesaid, the converted securities shall, for the purposes of the last foregoing subsection, be treated as securities of a different class from that of the unconverted securities.

(5) Where a new class of securities has been issued at any time after the first day of November, nineteen hundred and forty-six, the value of securities of that class for the purposes of this section shall be deemed to be the price at which they were issued, and the last two foregoing subsections shall apply to any fresh issue or conversion of securities of that class.

PART II.
—*cont.*

(6) If any question arises under any of the last four foregoing subsections as to the value of any securities, it shall be settled by agreement between the Minister and the stockholders' representative appointed under the next following section or, in default of such agreement, determined by arbitration under this Act.

(7) For the purposes of this section, the value of any securities of any such body, not being securities to which subsection (2), (3), (4) or (5) of this section applies, shall be such value as may be agreed between the Minister and the said stockholders' representative or, in default of such agreement, as may be determined by arbitration under this Act, and the arbitration tribunal, in determining the value of those securities, shall have regard, as far as may be, to the value of securities to which subsection (2) of this section applies (as determined under that subsection), being securities which, as respects all matters affecting their value, are most nearly comparable to the first named securities, and if, in relation to any class of securities to which this subsection applies, such a fresh issue or conversion of securities as is mentioned in subsection (3) or subsection (4) of this section has occurred, the arbitration tribunal shall also have regard, as far as may be, to the manner in which the value of securities is to be determined in cases to which the said subsection (3) or subsection (4) applies.

(8) In this section—

the expression " the Stock Exchange Official Daily List " means the publication known as the Stock Exchange Daily List of Officially Quoted Securities which is published by and under the authority of the Council of the Stock Exchange, London;

the expression " quotation " has the same meaning as in the said list and, accordingly, does not include the statements of the business that was done;

the expression " the mean of quotations " means the average of the two figures shown in the list on the date in question in respect of the security in question under the heading " Quotations ".

(9) For the purposes of this section and the following provisions of this Part of this Act, the securities of a body to which the same rights attach shall be deemed to constitute a class of securities.

Appointment
of
stockholders'
representa-
tive.

21.—(1) In the case of any body to whom this Part of this Act applies, being a body in respect of whose securities compensation is payable under the last foregoing section, there shall be appointed, before such date not later than the

vesting date as may be prescribed, an individual, in this Act referred to as the "stockholders' representative", to represent the interests of all holders of securities of that body in connection with the determination of the amount of compensation payable in respect of those securities, any payment made after the vesting date of interest or dividend in respect of those securities, and any other matters arising under this Part of this Act affecting the interests of the holders of those securities, and it shall be the duty of the stockholders' representative, in carrying out his functions under this Part of this Act, to represent the interests of the holders of those securities.

PART II.
—*cont.*

(2) The stockholders' representative shall be appointed, in the prescribed manner, by the holders of the securities of the body in question:

Provided that—

- (a) if those holders of securities fail to appoint a stockholders' representative before the prescribed date, the Minister shall appoint such a representative;
- (b) in the case of securities issued by the Central Electricity Board, any joint electricity authority, or any joint board of local authorities, the stockholders' representative shall be appointed by the Minister.

(3) The Minister shall pay out of moneys provided by Parliament to a stockholders' representative such remuneration (whether by way of salary or fees) and such allowances, and such expenses incurred by him in the exercise of his functions, as may be determined by the Minister with the approval of the Treasury, and any sums paid by the Minister under this subsection shall be repaid to him by the Central Authority on demand:

Provided that, in the case of a body whose property, rights, liabilities and obligations vest by virtue of this Act in the North of Scotland Board, the said sums shall be repaid to the Minister by the North of Scotland Board.

(4) Regulations shall make provision—

- (a) as to the mode of appointment of a stockholders' representative and the notices to be given thereof;
- (b) as to tenure and vacation of office by a stockholders' representative and the appointment, where the office falls vacant, of a new stockholders' representative;
- (c) for any other matters relating to the office of stockholders' representative for which provision appears to the Minister to be necessary or expedient, including the exercise of functions through agents.

PART II.
—*cont.*

The regulations made with respect to the matters mentioned in paragraphs (a) and (b) hereof shall be made not less than two months before the date prescribed for the purposes of subsection (1) of this section, but without prejudice to the varying of any such regulations to such extent as may subsequently appear to the Minister to be necessary.

(5) The Electricity Board in whom any property, rights, liabilities or obligations of any body vest by virtue of this Act, and any person to whom any such property, rights, liabilities or obligations which have so vested have been subsequently disposed of, shall make available to the stockholders' representative such facilities for the examination of and the making of extracts from or copies of books, accounts and documents of the body as he may reasonably require for the purposes of his duties, and such services of persons who were officers of the body and are in the employment of the Board or of the said person as the stockholders' representative, may reasonably require for those purposes.

Compensation to Local Authorities.

Compensation
to local
authorities.

22.—(1) The Central Authority shall, by way of compensation for the vesting in them or in any other Electricity Board of property and rights of any local authority, and in lieu of any other compensation in respect of that vesting, make payments to the authority in accordance with this and the two next following sections.

(2) Where the local authority have raised a loan wholly or partly for the purposes of their functions as authorised undertakers or have advanced money for those purposes out of any consolidated loans fund or mortgage loans pool established by them or out of any other moneys held by them, and, in pursuance of the arrangements in force immediately before the vesting date for the redemption of the loan and the payment of interest thereon or, as the case may be, for the repayment of the advance and the payment of interest thereon, any amounts would, but for this Act, have fallen, on or after the vesting date, to be debited in the accounts of the local authority in their capacity as authorised undertakers, the Central Authority shall, subject to the provisions of this section, pay those amounts to the local authority at the times at which, but for this Act, those amounts would have fallen to be debited in the accounts of the local authority in their capacity aforesaid.

(3) Where the local authority have before the vesting date made arrangements for the making of financial adjustments, as between the accounts of the local authority in their capacity as authorised undertakers and any other account of the local

authority, in respect of any other transaction or matter affecting both their functions as authorised undertakers and other functions of the authority, and in pursuance of those arrangements any amounts would, but for this Act, have fallen, on or after the vesting date, to be debited or credited in the accounts of the local authority in their capacity as authorised undertakers and credited, or, as the case may be, debited, in some other account of the local authority, the Central Authority shall, subject to the provisions of this section, pay those amounts to the local authority or be entitled to receive those amounts from the authority, as the case may be, at the times at which, but for this Act, those amounts would have fallen to be debited or credited in the accounts of the local authority in their capacity aforesaid:

Provided that this subsection shall not apply in relation to any apportionment of establishment charges between the accounts of the local authority in their capacity aforesaid and other accounts of the authority.

(4) The Central Authority and the local authority may agree or the Minister of Health may, on the application of either party in default of such agreement, determine that, having regard to the circumstances in which any such arrangements were made and the circumstances arising under this Act, the last foregoing subsection shall not apply to those arrangements or shall apply thereto with such modifications as to the payments to be made by the Central Authority or the local authority as may be so agreed or determined, and the said subsection shall have effect subject to any such agreement or determination.

Any other question arising under either of the two last foregoing subsections as to the payments to be made thereunder shall, in default of agreement, be determined by the Minister of Health.

(5) Any payment made by the Central Authority or the local authority under the foregoing provisions of this section which would, but for this Act, have been debited or credited as a capital payment, or any payment made in respect of the liability for the redemption of a loan or the repayment of an advance, shall be deemed to be a capital payment, and any other such payment shall be deemed to be an annual payment.

23. There shall be paid by the Central Authority to local authorities, by way of compensation in respect of the severance of their electricity undertakings from their other activities, the sum of five million pounds, and the said sum shall be divided among such of the said local authorities as satisfy the prescribed conditions, and the amounts to be paid to the individual authorities shall be determined in such manner and in accordance with such principles as may be prescribed.

PART II.
—cont.

Further
compensation
to local
authorities in
respect of
severance.

PART II.
—cont.

Further
compensation
to local
authorities
in respect of
capital works.

24. Where the Minister is satisfied, on the application of a local authority to whom this Part of this Act applies, that the authority incurred at any time after the nineteenth day of November, nineteen hundred and forty-five, in respect of works approved by the Electricity Commissioners expenditure properly chargeable to capital account, being expenditure incurred with the consent of the Electricity Commissioners (if such consent was required) and not defrayed out of moneys borrowed or advanced for the purposes of the electricity undertaking or out of the revenue or reserves of the electricity undertaking, the Minister may direct the payment by the Central Authority to the local authority of such sums by way of compensation, not exceeding the amount of the expenditure aforesaid, as may be determined by him :

Provided that no payment shall be directed to be made under this section in respect of any expenditure in respect of which the Central Authority are liable to make payments under subsection (3) of the last but one foregoing section.

Compensation to composite companies.

Compensation
to composite
companies.

25.—(1) Every composite company shall be entitled to be paid by the Central Authority, by way of compensation for the vesting in that Authority or in any other Electricity Board of property and rights of the company, and in lieu of any other compensation in respect of that vesting, an amount calculated as follows:—

- (a) the aggregate value of all the securities of the company shall be ascertained in accordance with subsections (2) to (9) of section twenty of this Act, subject to the modification that for the references in subsections (6) and (7) to the stockholders' representative there shall be substituted references to the company;
- (b) there shall be ascertained the proportion which the average net revenue earned by the electricity undertaking in respect of the last three complete financial years before the tenth day of January, nineteen hundred and forty-seven, bears to the average net revenue earned in respect of those years by the company's undertaking as a whole;
- (c) the amount of the compensation shall be the aggregate of the following amounts—
 - (i) an amount bearing to the aggregate value of the said securities the same proportion as the said average net revenue of the electricity undertaking bears to the said average net revenue of the company's undertaking as a whole,

(ii) an amount, by way of compensation in respect of the severance of the electricity undertaking from the remainder of the company's undertaking, consisting of a sum of five shillings for each complete one thousand of the units of electricity which, in accordance with the figures accepted by the Electricity Commissioners for the purposes of section seven of the Electricity ^{12 & 13 Geo. 5.} (Supply) Act, 1922, were sold (within the meaning ^{c. 46.} of that section) by the company during the year nineteen hundred and forty-six.

(2) Any question arising under paragraph (b) of the last foregoing subsection shall, in default of agreement between the company and the Minister, be determined by arbitration under this Act.

(3) The right of a composite company to compensation under this section shall be satisfied by the issue to the company of British Electricity Stock of such amount as in the opinion of the Treasury is at the vesting date of a value equal to the amount calculated under subsection (1) of this section, regard being had (in estimating the value of the stock so issued) to the market value of government securities at the vesting date.

(4) If, in the case of any composite company, the amount of compensation payable to the company under this section has been determined before the vesting date, the British Electricity Stock to be issued in respect thereof shall be issued on that date, and in any other case the British Electricity Stock shall be issued as soon as the amount of that compensation has been determined.

(5) Interest on any stock so issued after the vesting date shall begin to accrue as from the vesting date, and the Central Authority shall, on such dates as the Minister may direct, make to the company payments of interest not exceeding the amount which, in the opinion of the Central Authority, will be found to have accrued on the British Electricity Stock ultimately issued in satisfaction of the compensation.

If the amounts paid to any company by the Central Authority under this subsection are equal to or greater than the amount of interest which is found to have accrued on the said stock for the period beginning with the vesting date and ending immediately before the date of the issue of the stock, the interest so found to have accrued shall be treated as discharged, and if the amount paid as aforesaid is less than the amount found to have accrued as aforesaid, the amount so found to have accrued shall be treated as discharged to the extent of the amount so paid, and the balance shall be added to and treated

PART II.
—cont.

as part of the interest (being interest accruing on and after the issue of the stock) which first falls to be paid after the issue of that stock.

(6) Regulations may make provision—

- (a) for entitling the holder of any debentures, debenture stock, preference shares or preference stock of a composite company, by notice given within the prescribed period, to require the company to transfer to him such amount of the British Electricity Stock issued to the company under this section as is attributable to the value of the said securities held by him, and for the cancellation of those securities to a proportionate extent; and
- (b) otherwise for the protection of mortgagees and incumbrancers of a composite company.

Control of Dividends and Interest and Safeguarding of Assets pending transfer.

Control of
dividends,
interest
and other
payments.

26.—(1) Where any body to whom this Part of this Act applies, being a company, have paid pursuant to a resolution passed after the tenth day of January, nineteen hundred and forty-seven, interest or a dividend on any of their securities in respect of the last complete financial year before the said day or any subsequent period, being payments which, regard being had to any interest or interim dividend paid before the said day in respect of that year or period, are in excess of the payments of interest or dividend permitted under this section, all persons who were directors of the body at the time when the resolution of the directors was passed authorising or recommending the payments shall, subject to the provisions of this section, be liable to pay to the Central Authority an amount equal to the total amount of the excess.

(2) The payments of interest or dividend permitted under this section are as follows:—

- (a) in the case of securities in respect of which rates of interest are fixed, payments at those rates;
- (b) in the case of securities in respect of which rates of preferential dividend are fixed, but which give no other rights to participate in the profits of the body, payments at those rates; or
- (c) in the case of any other class of securities, payments of dividend at a rate not exceeding four per cent. per annum or the annual rate paid on that class of securities in respect of the last complete financial year in respect of which a final dividend was paid before the said tenth day of January, nineteen hundred and forty-seven, whichever is the higher:

Provided that:

PART II.
—cont.

(i) such payments shall only be made out of the net revenue of the body for the period in respect of which the payment is made, or out of any funds applicable in accordance with the normal practice for the purpose of maintaining interest payments and equalising rates of dividend, and any payment shall, so far as it is made otherwise than out of that revenue, or out of those funds, not be permitted under this section; and

(ii) where a fresh issue has been made after the said date of securities of a class mentioned in paragraph (c) hereof, being a class on which the annual rate of dividend paid in respect of the said last complete financial year exceeded four per cent. per annum, the payments of dividend permitted under this section on the securities so issued shall not, except with the approval of the Minister, exceed a rate of four per cent. per annum.

(3) Where any such body as aforesaid have, without the approval of the Minister, paid after the tenth day of January, nineteen hundred and forty-seven, a dividend in respect of any period prior to the last complete financial year before the said day, all persons who were directors of the body at the time when the resolution of the directors was passed authorising or recommending the payments shall, subject to the provisions of this section, be liable to pay to the Central Authority an amount equal to the total amounts of the payments:

Provided that this subsection shall not apply to payments of dividend on cumulative preference shares or stock, being payments which are required to be made in priority to the payment of any dividend on ordinary capital and are made out of the net revenue of the body for the said last complete financial year or any subsequent period.

(4) Where, at any time after the tenth day of January, nineteen hundred and forty-seven, any such body as aforesaid have, without the approval of the Minister,—

(a) made any payments to their members for the purpose of reducing the share capital of the body otherwise than by redemption of any redeemable preference shares;

(b) made any other payments to their members out of capital moneys; or

(c) distributed assets other than money to their members;

all persons who were directors of the body at the time when the resolution of the directors was passed authorising or recommending the payments or distribution shall, subject to the

PART II.
—*cont.*

provisions of this section, be liable to pay to the Central Authority an amount equal to the total amount of the payments or, as the case may be, the total value of the assets distributed:

Provided that this subsection shall not apply to any such payment or distribution to any such member otherwise than in his capacity as a member.

(5) Where, at any time after the said day, any such body as aforesaid have redeemed any securities which the body were not under an obligation to redeem before the vesting date, or made payments in respect of the redemption of any securities which exceed the minimum payments required to satisfy the rights existing on the said day of the holders of the securities, all persons who were directors of the body at the time when the resolution of the directors authorising or recommending the redemption or the payments in respect thereof was passed shall, subject to the provisions of this section, be liable to pay to the Central Authority—

(a) in the case of securities which the body were not obliged to redeem, the amount (if any) by which the sums paid in respect of the redemption of those securities exceed the compensation which would have been payable under this Part of this Act (but for the redemption) to the holders of those securities; or

(b) in the case of securities which the body were obliged to redeem but for which the payments made exceeded the said minimum payments, an amount equal to the total amount of the excess.

(6) For the purposes of this section—

(a) any payment by a body to its members in their capacity as members out of the net revenue of the body shall be deemed to be a payment of dividend; and

(b) any transaction the effect of which is that assets of a body are transferred to any person otherwise than in the capacity of a member of the body, and the consideration for such transfer is given to the members of the body or any class thereof, shall be deemed to be a distribution of those assets to the members of the body or that class thereof.

(7) Any claim under this section by the Central Authority against the directors of any such body as aforesaid shall be made before the expiration of a period of twelve months beginning with the vesting date, and if so made, shall be determined by arbitration under this Act, and, if the arbitration tribunal decides the claim in favour of the Central

Authority, it shall make such orders against all or any of the said directors in respect of their liability on the claim as it thinks just, having regard to all the circumstances.

(8) References in this section to any payments of interest or dividend made or permitted to be made by any body shall be construed as references to the gross amounts of those payments, that is to say, to the amounts thereof before any deduction is made therefrom in respect of income tax, and, if any such payment has been made by a body without deduction of income tax, the amount paid shall be deemed for the purposes of this section to be a net amount paid after deduction of income tax, and the gross amount of that payment for the purposes of this section shall be calculated accordingly:

Provided that, in determining the amount recoverable under this section from the directors of any body in respect of payments of interest or dividend made by that body, there shall be deducted from the amount which would, but for this proviso, be so recoverable a sum equal to the income tax chargeable on that amount at the standard rate for the year in which the payments became due.

(9) This section shall, in relation to any body whose property, rights, liabilities and obligations vest by virtue of this Act in the North of Scotland Board, have effect with the substitution for references to the Central Authority of references to the North of Scotland Board.

(10) This section shall, in relation to any composite company, have effect subject to the following modifications:—

- (a) subsections (1), (3), (4) and (5) shall only apply to payments and distributions made, and redemptions carried out, before the vesting date;
- (b) any liabilities arising under this section shall be liabilities of the company and not of the directors; and
- (c) any such liability shall be reduced by applying thereto the proportion ascertained under paragraph (b) of subsection (1) of section twenty-five of this Act.

27.—(1) As soon as possible after the vesting date, there shall, in the case of any body to whom this Part of this Act applies other than a local authority or a composite company, be ascertained and certified by an auditor appointed by the Minister after consultation with the Central Authority and the stockholders' representative—

- (a) the net revenue of the body for the final financial period;

Final payment
of dividends
and interest.

PART II.
—*cont.*

- (b) the total gross amounts paid by the body by way of interest or interim dividend on any securities in respect of the final financial period; and
- (c) the amount (if any) by which the said net revenue exceeds the said total amounts;

and the Central Authority shall pay to the stockholders' representative the amount referred to in paragraph (c) hereof.

In appointing an auditor under this subsection in the case of any body, the Minister shall first offer the appointment to one of the auditors who signed the last balance sheet of the body or examined that balance sheet on behalf of the Electricity Commissioners, and there shall be paid to the auditor out of moneys provided by Parliament such remuneration (whether by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine, and the amount of the remuneration and allowances shall be repaid to the Minister by the Central Authority on demand.

(2) The Central Authority, if they think fit, may, before the auditor's certificate is given, make payments to the stockholders' representative on account.

(3) The stockholders' representative shall apply the sums paid to him under the foregoing provisions of this section (so far as they will go) for the following purposes and in the following order of priority:—

- (a) in making interest payments on any debentures or debenture stock of the body, which have accrued up to the vesting date and have not been paid, at the rates permitted under the last foregoing section;
- (b) in making such a distribution as is mentioned in the next following subsection to the holders of other securities, if any, of the body; and
- (c) in repaying the balance, if any, to the Central Authority.

(4) The distribution falling to be made under paragraph (b) of the last foregoing subsection shall be a distribution under which the holders of the securities there referred to become entitled to the same gross amounts as they would have become entitled to if—

- (a) the statutory or other provisions relating to the body had permitted payments of interest or dividend in respect of the final financial period;
- (b) the body had had available for distribution the sums paid to the stockholders' representative under this section less the amount applied in making the payments mentioned in paragraph (a) of the last foregoing subsection; and

- (c) the body had applied the amount so available for distribution, or so much thereof as was required for the purpose, in making payments of interest or dividend for the final financial period, at the rates permitted under the last foregoing section, to the holders of the securities in question, in the proper order of priority, and according to their respective rights; due regard being had to any interest or interim dividend already paid in respect of the final financial period and all necessary adjustments being made where the said period is not a period for which interest or dividend would be payable under the statutory or other provisions relating to those securities:

Provided that the amounts to which the holders would have become entitled by way of interest or dividend for the final financial period in the event contemplated by paragraph (c) of this subsection shall be computed as if the amounts deducted in respect of income tax from the payments mentioned in paragraph (a) of the last foregoing subsection and from any payments made under paragraph (b) of that subsection in respect of any securities were not available for paying any other interest or dividend.

(5) Where the sums paid to the stockholders' representative under the foregoing provisions of this section are insufficient to enable him—

- (a) to make the interest payments referred to in paragraph (a) of subsection (3) of this section at the maximum rates permitted under the last foregoing section; and
- (b) to distribute to the holders of the securities referred to in paragraph (b) of that subsection gross amounts equal to payments of interest or dividend on those securities at the maximum rates so permitted;

and the body possessed immediately before the vesting date funds applicable in accordance with the normal practice for the purpose of maintaining payments of interest and equalising rates of dividend, the Central Authority shall pay to the stockholders' representative an additional amount equal to the total amount of the said funds so possessed or to the total amount of the said deficiency, whichever is the less, and the stockholders' representative shall apply that amount in like manner as the other sums paid to him under this section.

(6) The persons who receive any payment made by a stockholders' representative under the foregoing provisions of this section, shall, subject to the provisions of the next following subsection, hold the payment in the same right and on the same trusts and subject to the same powers, privileges,

PART II.
—*cont.*

charges and liabilities as those in, on, or subject to which, any payment of interest or dividend in respect of the securities in question would have been held by them.

(7) Where any body to whom this Part of this Act applies were the holder of, or had any interest in, any securities of another such body the Central Authority shall have the like right to receive and hold, or benefit from, a payment under paragraph (a) or paragraph (b) of subsection (3) of this section as they would have had if they had been the holder of, or had had that interest in, those securities:

Provided that, in the case of any such body other than a local authority, the gross amounts of any such payments or of the benefit therefrom shall be included in the net revenue of the body for the final financial period for the purposes of this section.

(8) Where, before the vesting date, there became due from any body to whom this Part of this Act applies, other than a local authority, any payment by way of interest or dividend or any payment by way of a redemption of any security, and, by reason only that it was not possible to discover the person entitled thereto, or that the title to the payment had not been established, or that a cheque or warrant issued for the purpose of effecting the payment had not been encashed, that payment was not made before the vesting date, the liability in respect of that payment shall pass to the Central Authority.

(9) Where the stockholders' representative is for any reason unable to effect payment of any sum falling to be paid by him under this section, or where a receipt cannot effectively be given for any such sum, the stockholders' representative may pay that sum to the Central Authority and, on the said sum being so paid to the Authority, the liability of the stockholders' representative for the payment of that sum shall pass to the Central Authority.

(10) This section shall, in relation to any body whose property, rights, liabilities and obligations vest by virtue of this Act in the North of Scotland Board, have effect with the substitution for references to the Central Authority of references to the North of Scotland Board and for the references to the Minister of references to the Secretary of State.

(11) The following provisions shall have effect in the case of a composite company, that is to say:—

(a) there shall be ascertained and certified as soon as possible after the vesting date by an auditor appointed by the Minister the net revenue of the company for the final financial period;

- (b) there shall be ascertained and certified by the said auditor as soon as possible after the vesting date the amount required to enable the company to make payments of interest or dividend in respect of the final financial period on all their securities at the full rates permitted under the last foregoing section, assuming that the statutory or other provisions relating to the company permitted payments of interest or dividend in respect of that period and due regard being had to any interest or interim dividend already paid in respect of that period; and
- (c) the said net revenue shall not, except to the extent (if any) to which it exceeds the amount ascertained and certified under paragraph (b) hereof, be subject to apportionment as between the company and the Electricity Board concerned under the foregoing provisions of this Part of this Act relating to the apportionment of the cash and investments of composite companies.

The provisions of subsection (1) of this section relating to the appointment of an auditor, except the requirement as to consultation with the stockholders' representative, shall apply to an auditor appointed under this subsection and there shall be paid to the auditor by the Central Authority such remuneration (whether by way of salary or fees) and such allowances as the Minister may with the approval of the Treasury determine.

(12) In this section the expression " final financial period " means such part of the financial year during which the vesting date occurs as precedes that date:

Provided that, where any body has not made the payments of interest or dividends permitted under section twenty-six of this Act in respect of the last complete financial year before the vesting date, the said expression means that year together with such part of the financial year during which the vesting date occurs as precedes the vesting date.

28.—(1) This section shall be construed as one with the Income Tax Acts. Income tax provisions.

(2) The gross amounts of any payments made by a stockholders' representative under the last foregoing section shall be deemed to be income for all the purposes of the Income Tax Acts, and the stockholders' representative making the payments shall deduct income tax therefrom at the standard rate for the year in which the payments become due and any amounts so deducted shall, notwithstanding anything in the Income Tax Acts, be paid over to the Central Authority for their own use and benefit.

PART II.
—*cont.*

(3) If—

- (a) the payments of any interest of money, annuity or other annual payment charged with tax under Schedule D made by a body to whom this Part of this Act applies other than a local authority or a composite company in the year or years of assessment falling wholly or partly within the final financial period as defined by the last foregoing section; plus
- (b) any payments made by the stockholders' representative to the holders of securities of the body under the last foregoing section being securities bearing interest;

together exceed—

- (i) the total income of the body for the said year or years; plus
- (ii) the total of the assessments made for the said year or years under Rule 21 of the General Rules in respect of payments by the body,

the said Rule 21 shall have effect as if a payment of a gross amount equal to the excess had been made by the Central Authority, as if that payment were a payment of interest of money charged with tax under Schedule D not payable out of profits or gains brought into charge to tax and as if the Central Authority had deducted tax at the appropriate rates in making that payment:

Provided that, in calculating whether there is such an excess as aforesaid or the extent thereof, any payment which has been reimbursed to the body by any person or is charged to capital shall be disregarded, but the said Rule 21 shall have the like effect in relation to the whole of any such payment as it has effect, or would have effect, under this subsection in relation to such an excess as aforesaid.

In this subsection, the expression "the appropriate rates" means the rates which were applied in making deductions of income tax from the payments referred to in paragraph (b) of this subsection, the lowest rate being taken first and applied to an amount of the excess equal to the amount to which it was applied as aforesaid, and then so with the next lowest rate, and so on.

(4) Any reference in this section or in the last foregoing section to the gross amount of any payment shall be construed as a reference to the amount of that payment before any deduction is made therefrom in respect of income tax.

(5) This section shall, in relation to any body whose property, rights, liabilities and obligations vest by virtue of this Act in the North of Scotland Board, have effect with the

substitution for the reference to the Central Authority of a reference to the North of Scotland Board.

PART II.
—*cont.*

29.—(1) This section shall apply in any case where on or after the tenth day of January, nineteen hundred and forty-seven, any body to whom this Part of this Act applies, being a company, have—

Re-opening of transactions resulting in dissipation of assets.

- (a) made any payment to any person without consideration or for an inadequate consideration;
- (b) sold or disposed of any of its property or rights without consideration or for an inadequate consideration;
- (c) acquired any property or rights for an excessive consideration;
- (d) entered into or varied any agreement so as to require an excessive consideration to be paid or given by the body; or
- (e) entered into any other transaction of such an onerous nature as to cause a loss to or impose a liability on the body substantially exceeding any benefit accruing to the body;

and the payment, sale, disposal, acquisition, agreement or variation thereof, or other transaction was not reasonably necessary for the purposes of the body or was made with an unreasonable lack of prudence on the part of the body:

Provided that this section shall not apply:

- (i) to any payment or other transaction to which section twenty-six of this Act applies;
- (ii) to any payment or other transaction made or entered into for any charitable purpose;
- (iii) to any payment or other transaction made or entered into in connection with the determination of any question, dispute or matter falling to be determined under any provision of this Part of this Act or any regulations made thereunder; or
- (iv) to any payment or other transaction to which the previous consent of the Electricity Commissioners was given for the purposes of any enactment other than this section, or which has been approved in writing by the Minister, either generally or specially, and whether before or after the date of the payment or other transaction.

(2) The Central Authority may, at any time before the expiration of a period of twelve months beginning with the vesting date, make an application to the arbitration tribunal in respect of any transaction to which in the opinion of the Authority this section applies, and all parties to the transaction, and all persons who were directors of the body at the date when the transaction was entered into shall, unless

PART II.
—cont.

the tribunal otherwise directs, be made parties to the application.

(3) Where the arbitration tribunal is satisfied that the transaction in respect of which an application is made is a transaction to which this section applies, then, unless it is shown by any of the parties to the application that the transaction was in the ordinary course of business and was in no way connected with any provision made by this Act or with any anticipation of the making of any such provision, the tribunal shall determine the extent of the net loss or liability caused to or imposed on the body by the transaction, and shall make such orders against all or any of the parties to the application (other than the Central Authority) as it thinks just, having regard to the extent to which they were respectively responsible for the transaction or benefited from it, for the payment by them to the Central Authority of sums sufficient to enable the net loss or liability, or such part thereof as the tribunal thinks just, to be made good or met.

(4) Where any Electricity Board have disclaimed an agreement or lease by a notice under this Part of this Act, being an agreement or lease entered into or varied on or after the said tenth day of January, nineteen hundred and forty-seven, the Central Authority may make an application to the arbitration tribunal under this section in respect of any loss or liability caused to or imposed on the body before the vesting date and, in the case of a lease, any loss or liability caused to or imposed on the Board between the vesting date and the disclaimer of the lease, in consequence of the onerous nature of the agreement or lease.

(5) Where any application is made to the arbitration tribunal under this section in respect of any transaction, or a reference is made to that tribunal with respect to any notice given under this Part of this Act disclaiming an agreement or lease, the tribunal shall have exclusive jurisdiction—

- (a) to determine claims arising in respect of the transaction or under the lease or agreement; and
- (b) if the notice disclaiming any such agreement is confirmed by the tribunal, to determine any claims arising with respect to the agreement under the Law Reform (Frustrated Contracts) Act, 1943.

(6) This section shall, in relation to any body whose property, rights, liabilities and obligations vest by virtue of this Act in the North of Scotland Board, have effect with the substitution for the references to the Central Authority of references to the North of Scotland Board.

(7) In the case of a composite company, the company, and not the directors, shall be made parties to applications under this section.

30.—(1) It shall not be lawful for any body to whom this Part of this Act applies other than a composite company to acquire any foreign investments.

PART II.
—*cont.*
Provisions as
to foreign
investments.

(2) Every such body shall, within such period as may be prescribed, supply to the Minister and the Central Authority particulars in the prescribed form of all foreign investments of the body, and shall dispose of those investments in such manner and within such period as may be prescribed.

(3) If any such body contravene or fail to comply with the provisions of this section or any regulation made thereunder, all persons who were directors of the body at the time when the contravention or failure occurred shall, subject to the next following subsection, be liable to make good any loss suffered by the Central Authority in consequence of the contravention or failure.

(4) Any claim under this section by the Central Authority against the directors of any such body shall be made before the expiration of a period of twelve months beginning with the vesting date and shall be determined by arbitration under this Act, and all persons who were directors of the body at the time when the alleged contravention or failure occurred shall, unless the arbitration tribunal otherwise directs, be made parties to the proceedings, and, if the arbitration tribunal decides the claim in favour of the Central Authority, it shall make such orders against all or any of the said directors in respect of their liability under this section as it thinks just, having regard to all the circumstances.

(5) In this section the expression “foreign investments” means any assets the transfer of which is governed otherwise than by the law of any part of Great Britain.

(6) If it appears to the Minister to be necessary or expedient, for the purpose of securing the disposal of foreign investments of any body under this section, to postpone the vesting date in relation to that body, he may direct that the vesting date for the purposes of this Act shall, in relation to that body, be such date, later than the date which would otherwise be appointed or fixed, as may be specified in the direction.

(7) This section shall, in relation to any body whose property, rights, liabilities and obligations vest by virtue of this Act in the North of Scotland Board, have effect with the substitution for the references to the Minister and the Central Authority of references to the Secretary of State and the North of Scotland Board respectively.

PART II.

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Establishment
of Electricity
Arbitration
Tribunal.

Supplementary Provisions.

31.—(1) For the purpose of determining any question or dispute which under any provision of this Part of this Act or any regulations made thereunder is to be determined by arbitration under this Act, or any matter in respect of which jurisdiction is given to the arbitration tribunal under this Part of this Act, there shall be established a tribunal called the Electricity Arbitration Tribunal (in this Act referred to as "the arbitration tribunal") and the arbitration tribunal shall subject to the provisions of this section, hear and determine every such question, dispute or matter as aforesaid.

(2) The arbitration tribunal shall, as the Lord Chancellor may direct, either sit as a single tribunal or sit in two or more divisions, and shall, for the hearing of any proceedings, be constituted as follows:—

- (a) one member shall be a person of legal experience and he shall be the president of the tribunal;
- (b) there shall be two other members of whom one shall be a person of experience in business and the other shall be a person of experience in finance:

Provided that, in relation to any proceedings which, under the provisions of subsection (5) of this section, are required to be held in Scotland, the member who is a person of legal experience shall be a person of legal experience in Scotland.

(3) The members of the tribunal shall be appointed by the Lord Chancellor, except that any member or members appointed as being a person or persons of legal experience in Scotland shall be appointed by the Lord President of the Court of Session, and any member appointed by the Lord President shall only act in relation to proceedings which are required as aforesaid to be held in Scotland.

(4) The members of the arbitration tribunal shall hold office for such period as may be determined at the time of their respective appointments and shall be eligible for reappointment:

Provided that—

- (a) a member may at any time by not less than one month's notice in writing to the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, resign his office;
- (b) the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, may declare the office of any member vacant on the ground that he is unfit to continue in his office;
- (c) if any member becomes bankrupt or makes a composition with his creditors, his office shall thereupon become vacant.

(5) Where any such question, dispute or matter as aforesaid arises out of or in connection with the vesting by virtue of this Act of the property, rights, liabilities and obligations of any body, or in connection with any transaction of any body, and the principal place of business of the body is in Scotland, the tribunal shall sit in Scotland.

(6) If any member of the arbitration tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the Lord Chancellor, or the Lord President of the Court of Session, as the case may be, shall appoint some other fit person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the person in whose place he was appointed.

(7) The arbitration tribunal may, at any stage in any proceedings before them, refer to a person or persons appointed by them for the purpose, any question arising in the proceedings, for inquiry and report, and the report of any such person or persons may be adopted wholly or partly by the tribunal and, if so adopted, may be incorporated in an order of the tribunal.

32.—(1) The arbitration tribunal shall be a court of record and have an official seal, which shall be judicially noticed, and any order of the tribunal shall be enforceable in England and Wales as if it were an order of the High Court. Procedure and enforcement of orders of arbitration tribunal.

(2) The provisions of the Arbitration Acts, 1889 to 1934, with respect to—

- (a) the administration of oaths and the taking of affirmations; and
- (b) the correction in awards of mistakes and errors; and
- (c) the summoning, attendance and examination of witnesses and the production of documents; and
- (d) the costs of the reference and award,

shall, with any necessary modifications, apply in respect of any proceedings before the arbitration tribunal, but, save as aforesaid, the said Acts shall not apply to any such proceedings.

(3) The arbitration tribunal may, and if so ordered by the Court of Appeal shall, state in the form of a special case for determination by the Court of Appeal any question of law which may arise before them, and an appeal shall lie to the Court of Appeal on any question of law or fact from any determination or order of the arbitration tribunal on a claim under section twenty-six of this Act against the directors of a body to whom Part II of this Act applies or on an application under section twenty-nine of this Act in respect of any transaction.

PART II.
—*cont.*

(4) The Minister shall have a right to be heard in all proceedings before the arbitration tribunal and proceedings on a case stated by or an appeal from that tribunal.

(5) Subject to the provisions of this section, the procedure in or in connection with any proceedings before the arbitration tribunal shall be such as may be determined by rules to be made by the tribunal with the approval of the Lord Chancellor.

(6) In relation to proceedings which, under the last foregoing section, are required to be held in Scotland, this section shall have effect subject to the following modifications—

(a) for subsections (2) and (3) there shall be substituted the following subsections—

“(2) The arbitration tribunal shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses as if the arbitration tribunal were an arbiter under a submission.

(3) The arbitration tribunal may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law or fact from any determination or order of the arbitration tribunal on a claim under section twenty-six of this Act against the directors of a body to whom Part II of this Act applies or on an application under section twenty-nine of this Act in respect of any transaction.

An appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this subsection, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine; ”

(b) in subsection (6) for the reference to the Lord Chancellor there shall be substituted a reference to the Secretary of State.

(7) The Secretary of State shall have a right to be heard in all proceedings before the arbitration tribunal and proceedings on a case stated by or an appeal from that tribunal, being proceedings to which the North of Scotland Board is a party.

Staff and expenses of arbitration tribunal.

33.—(1) The arbitration tribunal may, subject to the consent of the Treasury as to numbers, appoint such officers as they consider necessary for assisting them in the proper execution of their duties.

PART II.

—cont.

(2) There shall be paid to the members of the arbitration tribunal and to any such officer as aforesaid such remuneration (whether by way of salaries or fees) and such allowances as the Minister may, with the approval of the Treasury, determine.

(3) There shall be paid to any person to whom proceedings are referred by the arbitration tribunal under the last but one foregoing section for hearing and determination such remuneration (whether by way of salaries or fees) and such allowances as the tribunal may, with the approval of the Treasury, determine.

(4) Any such remuneration and allowances as aforesaid and any other expenses of the arbitration tribunal shall be defrayed in the first instance by the Minister out of moneys provided by Parliament, but the amounts from time to time so paid by the Minister shall be repaid on demand to the Minister by the Central Authority:

Provided that such proportion of the amounts so paid by the Minister in respect of proceedings to which the North of Scotland Board is a party as the Minister and the Secretary of State may determine shall be repaid to the Minister by the North of Scotland Board.

34.—(1) The Minister shall, within the prescribed period, serve a notice on every body who in his opinion are a power station company or electricity holding company to whom this Part of this Act applies and, unless that body serves on the Minister, within such period (not being less than twenty-eight days) after the service of the notice as may be prescribed, a counter notice in the prescribed form (which is not withdrawn) stating that in their opinion this Part of this Act does not apply to them, this Part of this Act shall be deemed to apply to the body.

Determination of questions as to application of Part II of this Act.

(2) Where any body on whom the Minister has not served a notice under the last foregoing subsection within the period prescribed therefor, are of opinion that they are a power station company or electricity holding company to whom this Part of this Act applies, they may within such further period (not being less than twenty-eight days) as may be prescribed after the expiration of the period aforesaid, serve a notice on the Minister in the prescribed form, and unless the Minister serves on that body, within such period as may be prescribed, a counter notice in the prescribed form (which is not withdrawn) stating that in his opinion this Part of this Act does not apply to them, this Part of this Act shall be deemed to apply to the body.

PART II.
—*cont.*

(3) Where, in the case of any body, other than authorised undertakers, no notice has been served by the Minister or the body under the foregoing provisions of this section within the periods prescribed therefor, this Part of this Act shall be deemed not to apply to the body.

(4) Where a counter notice is served under the foregoing provisions of this section and is not withdrawn, the question whether this Part of this Act applies to the body by or on whom the counter notice was served shall be determined by arbitration under this Act.

(5) Where a question has been referred to arbitration in accordance with the last foregoing subsection and the arbitration tribunal determine that this Part of this Act applies to the body, the tribunal may and, if the vesting date has already occurred, shall, fix a later date which, in relation to that body shall be, and be deemed always to have been, the vesting date for the purposes of this Act.

**Power to
obtain
information.**

35.—(1) Regulations may require any body who is or may be a body to whom this Part of this Act applies to produce such books of account, records and documents, to supply copies of and extracts from such books, records and documents, and to furnish such other information as may reasonably be required—

- (a) by the Minister or the Secretary of State for the purpose of ascertaining whether or not the body is one to whom this Part of this Act applies;
- (b) by any Electricity Board for the purpose of facilitating the taking over of the business of the body by them on the vesting date; or
- (c) by the Minister, the Secretary of State or any Electricity Board for other purposes arising out of the provisions of this Part of this Act;

and to provide facilities for the examination of any such books, records and documents, and the taking of copies thereof and extracts therefrom, and facilities for the verification of other information furnished under the regulations; and such regulations may make provision as to the manner, time and place in or at which any requirement under the regulations is to be complied with.

(2) Regulations made under this section shall make provision for the payment to any such body of expenses reasonably incurred by them in complying with any requirements made by or under the regulations.

PART III.

FINANCIAL PROVISIONS.

36.—(1) It shall be the duty of the Central Authority so to exercise and perform their functions under this Act, including their functions in relation to Area Boards, as to secure that the combined revenues of the Central Authority and all the Area Boards taken together are not less than sufficient to meet their combined outgoings properly chargeable to revenue account taking one year with another.

General duties and powers of Central Authority and Area Boards in financial matters.

(2) Without prejudice to the powers of the Central Authority under Part I of this Act to exercise, by means of directions given to Area Boards, a general control over the policy of those Boards in financial as in other matters, such directions may require Area Boards—

- (a) to submit for the approval of the Central Authority periodic estimates of revenue and expenditure;
- (b) to obtain the approval of the Central Authority of programmes of development involving capital expenditure, and of expenditure otherwise properly chargeable to capital account and in other classes of cases where it is desirable in the opinion of the Central Authority to secure co-ordination between different Area Boards in matters involving expenditure.

37.—(1) The prices to be charged by the Central Authority for the supply of electricity by them to Area Boards shall be in accordance with such tariffs as may be fixed by the Authority from time to time, and different tariffs may be fixed for different Area Boards.

Fixing and variation of tariffs.

(2) The tariffs fixed under the last foregoing subsection shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as the prices which are to be charged, and shall be published in such manner as in the opinion of the Central Authority will secure adequate publicity for them.

(3) Subject to any directions of the Central Authority and to the provisions of this Act with respect to railways, the prices to be charged by Area Boards for the supply of electricity by them shall be in accordance with such tariffs as may be fixed from time to time by them, and those tariffs shall be so framed as to show the methods by which and the principles on which the charges are to be made as well as the prices which are to be charged, and shall be published in such manner as in the opinion of the Area Board will secure adequate publicity for them:

Provided that—

- (a) the tariffs in force immediately before the vesting date in the area of supply or any part of the area of

PART III.
—*cont.*

supply of any authorised undertakers shall remain in force, until varied or replaced by tariffs fixed in accordance with this section, and apply to the supply of electricity by the Area Board within whose area the said area of supply or part thereof is comprised; and

- (b) nothing in this subsection shall affect any agreement in force immediately before the vesting date.

(4) A tariff fixed by an Area Board under the last foregoing subsection may include a rent or other charge in respect of electrical fittings provided by the Board on the premises of the consumer.

(5) The Central Authority may give directions to any Area Board requiring them, in such classes of cases as may be specified in the directions, to obtain the approval in writing of the Central Authority before exercising their powers under the foregoing provisions of this section.

(6) The Central Authority may, if they consider that the tariffs in force in the area or any part of the area of an Area Board ought to be varied or replaced by new tariffs, direct the Area Board to submit proposals for varying or replacing those tariffs, and may approve the proposals so submitted either without modifications or with such modifications as, after consultation with the Area Board, they think fit to make; and it shall be the duty of the Area Board to give effect to any proposals approved under this subsection.

(7) Notwithstanding anything in the foregoing provisions of this section, an Area Board may enter into an agreement with any consumer for the supply of electricity to him on such terms as may be specified in the agreement:

Provided that an Area Board, in exercising their powers under this subsection, shall—

- (a) secure that such agreements are only made in cases where the tariffs in force are not appropriate owing to special circumstances; and
- (b) comply with any directions given by the Central Authority, whether of a general or specific character.

(8) An Area Board, in fixing tariffs and making agreements under this section, shall not show undue preference to any person or class of persons and shall not exercise any undue discrimination against any person or class of persons, and the Central Authority shall, in exercising their powers under this section in relation to the fixing of tariffs and making of agreements by Area Boards, secure compliance by Area Boards with this subsection.

38.—(1) The Minister and the Secretary of State shall, before the expiry of the tenth year after the passing of the Act of 1943, cause an investigation to be made into the working of the provisions of subsection (1) of section sixteen of that Act and of the Fourth Schedule thereto regarding the price to be charged by the North of Scotland Board for electricity supplied under the said subsection and shall cause a report of the result of the investigation to be laid before Parliament.

PART III.
—*cont.*
Investigation into and modification of provisions of Act of 1943 regarding price of electricity supplied under s. 16 (1).

(2) The Minister and the Secretary of State acting jointly may, after consideration of the said report, make, by order, such alterations or modifications in the provisions aforesaid as they may think fit.

(3) An order under the last foregoing subsection shall be laid before Parliament immediately after it is made, and if either House of Parliament, within the period of forty days beginning with the day on which the order is laid before it, resolves that it be annulled, the order shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of a new order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) The Fourth Schedule to the Act of 1943 (which contains rules for the ascertainment of the price payable to the North of Scotland Board for electricity supplied under subsection (1) of section sixteen of that Act) shall be amended by the insertion in sub-paragraph (a) of paragraph 4 after the words "resultant sum" of the words "increased (except in the case of a station to the establishment of which consent was given under section two of the Electric Lighting Act, 1909, or section eleven of the Electricity (Supply) Act, 1919, after the fifth day of August nineteen hundred and forty-three) by such percentage as the Secretary of State and the Minister of Fuel and Power acting jointly may from time to time determine."

9 Edw. 7.
c. 34.

39.—(1) The Central Authority and any Area Board may, with the consent of the Minister and with the approval of the Treasury or in accordance with the terms of any general authority issued by the Minister with the approval of the Treasury, borrow temporarily, by way of overdraft or otherwise, such sums as the borrowing Authority or Board may require for meeting their obligations or discharging their functions under this Act.

Borrowing powers of Central Authority and Area Boards.

PART III.
—cont.

(2) The Central Authority may, with the consent of the Minister and the approval of the Treasury, borrow money by the issue of British Electricity Stock, for all or any of the following purposes, that is to say—

- (a) the redemption of any British Electricity Stock;
- (b) the provision of money for meeting any expenditure incurred by the Central Authority or any Area Board in connection with any works the cost of which is properly chargeable to capital account;
- (c) the provision of any working capital required by the Central Authority or any Area Board;
- (d) the provision of money required for the payment of compensation to any local authority, in respect of severance or, in pursuance of a direction of the Minister under Part II of this Act, in respect of expenditure on capital works;
- (e) any other purpose for which capital moneys are properly applicable by the Central Authority or any Area Board, including the repayment of any money temporarily borrowed under the last foregoing subsection for any of the purposes mentioned in this subsection; and
- (f) any other payment which the Central Authority or any Area Board are authorised to make and which ought in the opinion of the Central Authority to be spread over a term of years.

(3) The aggregate of the amounts outstanding in respect of the principal of any stock issued by the Central Authority, otherwise than for the purpose of paying compensation under Part II of this Act whether in stock or cash, and in respect of any temporary loans raised by the Central Authority or any Area Board shall not at any time exceed the sum of seven hundred million pounds:

Provided that nothing in this subsection shall prevent the Central Authority from borrowing in excess of the said sum for the purpose of redeeming any British Electricity Stock which they are required or entitled to redeem, or of repaying any money temporarily borrowed under subsection (1) of this section.

(4) Save as aforesaid, neither the Central Authority nor any Area Board shall borrow any money.

40.—(1) The Central Authority—

- (a) may create and issue any stock required for the purpose of exercising their powers under the last foregoing section;

PART III.
—cont.

- (b) shall create and issue such stock as is required for the purpose of satisfying any right to compensation which, under any provision of this Act, is expressly required to be satisfied by the issue of stock;

and the stock so created and issued is in this Act referred to as "British Electricity Stock."

(2) Subject to the provisions of this section, and of the Third Schedule to this Act, British Electricity Stock shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such provisions as may be prescribed by regulations made by the Minister, with the approval of the Treasury, and any such regulations may, in relation to any such stock, apply with or without modifications any provisions of the Local Loans Act, 1875, or of any enactments relating to stock issued by a local authority. 38 & 39 Vict.
c. 83.

(3) Any British Electricity Stock in which no person other than the Central Authority has any beneficial interest shall be cancelled.

(4) Where any British Electricity Stock has through inadvertence been issued in respect of securities the whole of the beneficial interest in which was vested immediately before the vesting date in a body to whom Part II of this Act applies, not being a local authority, the stock shall be deemed to be held on behalf of the Central Authority.

41.—(1) The Central Authority may require any Area Board to contribute, to such extent as may be determined by the Central Authority, towards the satisfaction of the obligations of the Central Authority in respect of— Apportionment of liabilities in respect of stock, borrowed moneys etc., as between Central Authority and Area Boards.

- (a) the redemption of British Electricity Stock or the payment of interest thereon;
- (b) the repayment of sums to the Treasury under the next following section or the payment of interest thereon;
- (c) the making of payments under Part II of this Act by way of compensation to local authorities; or
- (d) the repayment of any sums temporarily borrowed by the Central Authority or the payment of interest thereon;

and the Area Board shall comply with that requirement.

(2) The Central Authority, in exercising their powers under this section, shall act on general principles settled from time to time with the approval of the Minister.

42.—(1) The principal of and the interest on any British Electricity Stock created and issued for the purpose of satisfying any right to compensation which, under any provision of Treasury guarantees.

PART III.
—*cont.*

this Act, is expressly required to be satisfied by the issue of stock, shall be guaranteed by the Treasury, and the Treasury may guarantee, in such manner and on such conditions as they think fit, the redemption or repayment of, and the payment of any interest on, any other British Electricity Stock or any temporary loan raised by the Central Authority or any Area Board.

(2) Any sums required by the Treasury for fulfilling any such guarantee as is provided for by the last foregoing subsection shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof (hereinafter referred to as "the Consolidated Fund"), and any such sums shall be repaid together with interest thereon at such rate as the Treasury may determine by the Central Authority to the Treasury in such manner and over such period as the Treasury may, after consultation with the Minister, determine.

(3) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(4) Where any sum is issued out of the Consolidated Fund under this section, the Treasury shall forthwith lay before each House of Parliament a statement that that sum has been issued.

**Reserve Funds
of Central
Authority and
Area Boards.**

43.—(1) The Central Authority shall establish and maintain a general reserve fund, which shall be known as the central reserve fund.

(2) The Central Authority and the Area Boards shall contribute to the central reserve fund such sums at such times as the Central Authority may determine and the management of the said fund and the application of the moneys comprised therein shall be as the Central Authority may determine:

Provided that—

- (a) no part of the said fund shall be applied otherwise than for the purposes of the Central Authority and Area Boards; and
- (b) the power of the Minister to give directions to the Central Authority shall extend to the giving to them, with the approval of the Treasury, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

(3) Any Area Board may establish a general reserve fund for the purposes of the Area Board, which shall be known as an area reserve fund.

(4) If an Area Board establish an area reserve fund, they shall, from their surplus revenue, contribute to the said fund, to such extent as the Central Authority may approve, and the management of the said fund and the application of the moneys comprised therein shall be as the Area Board may determine:

Provided that—

- (a) no part of the fund shall be applied otherwise than for the purposes of the Area Board; and
- (b) the power of the Central Authority to give directions to any Area Board shall extend to the giving to them, with the approval of the Minister, of directions as to any matter relating to the establishment or management of the area reserve fund or the carrying of sums to the credit thereof, notwithstanding that the directions may be of a specific character.

(5) The foregoing provisions of this section shall be without prejudice to the power of the Central Authority or any Area Board to establish appropriate reserves for replacements or other purposes:

Provided that an Area Board shall act in regard to the establishment, management and application of any such reserve in accordance with any directions of the Central Authority, whether of a general or specific character.

(6) It is hereby declared that one of the purposes of the central reserve fund and the area reserve funds is the prevention of frequent fluctuations in the charges made by the Central Authority and the Area Boards, and the powers of that Authority and those Boards in relation of those funds shall be exercised accordingly.

44.—(1) Any excess of the Central Authority's revenues for any financial year over their outgoings for that year properly chargeable to revenue account shall be applied for such purposes as the Authority may determine:

Application
of surplus
revenues of
Central
Authority and
Area Boards.

Provided that—

- (a) no part of any such excess shall be applied otherwise than for the purposes of the Authority or any Area Board; and
- (b) the power of the Minister to give directions to the Authority shall extend to the giving to them, with the approval of the Treasury, of directions as to the application of any such excess, notwithstanding that the directions may be of a specific character.

PART III.
—*cont.*

Sums which
are to be
chargeable to
revenue
account.

(2) Any excess of any Area Board's revenues for any financial year over their outgoings for that year properly chargeable to revenue account shall be applied for such purposes of the Area Board as the Board may, with the approval of the Central Authority, determine.

45. The Central Authority and the Area Boards shall charge to revenue account in every year all charges which are proper to be made to revenue account, including, in particular, proper allocations to the central reserve fund (but not including, in the case of an Area Board, allocations to an area reserve fund), proper provision for the redemption of capital and proper provision for depreciation of assets or for renewal of assets, and all payments (including the payments which are by the relevant provision of this Act, or by any other relevant enactment, to be deemed to be capital payments) which fall to be made in that year to any local authority under Part II of this Act in respect of any loan of that local authority, and references in this Act to outgoings properly chargeable to revenue account shall be construed accordingly.

Accounts
and audit of .
Central
Authority and
Area Boards.

46.—(1) The Central Authority and each Area Board shall keep proper accounts and other records in relation to the business of that Authority or the business of that Board, as the case may be, and shall prepare in respect of each financial year a statement of accounts in such form as the Minister, with the approval of the Treasury, may direct, being a form which shall conform with the best commercial standards.

(2) The form of the said statement shall be such as to secure the provision of separate information as respects the generation of electricity, the distribution of electricity, and each of the main other activities of the Electricity Board concerned, and to show as far as may be the financial and operating results of each such activity.

(3) The accounts of the Central Authority and of every Area Board shall be audited by auditors to be appointed in respect of each financial year by the Minister:

Provided that no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The Association of Certified and Corporate Accountants, Limited.

PART III.
—cont.

(4) So soon as the accounts of any Area Board have been audited, they shall send the statement of their accounts referred to in subsection (1) of this section to the Central Authority together with a copy of any report made by the auditors on that statement or on the accounts of the Board.

(5) So soon as the accounts of the Central Authority have been audited, they shall send a copy of the statement of their accounts referred to in subsection (1) of this section to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Authority and shall also send copies of the statements of accounts of every Area Board to the Minister together with any reports on those statements or accounts as aforesaid, and copies thereof shall be made available to the public at a reasonable price.

(6) The Minister shall lay a copy of every such statement and report before each House of Parliament.

47.—(1) Where stock has been issued by the Central Authority by way of compensation to the holders of securities of any body to whom Part II of this Act applies, other than a local authority, being a body whose property, rights, liabilities and obligations vest in the North of Scotland Board by virtue of this Act, there shall be issued to the Central Authority stock of the North of Scotland Board of such amount as in the opinion of the Treasury is, having regard to values at the vesting date, of a value equal to that of the stock issued by the Central Authority.

Provisions as
to North of
Scotland
Board.

(2) Where sums have been paid by the Central Authority to the holders of any such securities as aforesaid by way of interest on stock issued by the Central Authority as aforesaid, being interest in respect of any period before the issue of stock by the North of Scotland Board as aforesaid, the North of Scotland Board shall repay those sums to the Central Authority.

(3) Where the property, rights, liabilities and obligations of a local authority vest by virtue of this Act in the North of Scotland Board, that Board shall repay to the Central Authority all sums paid by the Authority under Part II of this Act to the local authority by way of compensation, and any dispute between the North of Scotland Board and the Central Authority under this subsection shall be determined by the Minister and the Secretary of State jointly.

(4) Where stock has been issued by the Central Authority by way of compensation to the holders of securities of any body to whom Part II of this Act applies, other than a local authority, being a body who, immediately before the vesting date, held securities or the whole of the beneficial interest in securities of another such body whose property, rights, liabilities

PART III.
—*cont.*

and obligations vest in the North of Scotland Board by virtue of this Act, there shall be determined by agreement between the Central Authority and the North of Scotland Board or, in default of such agreement, by the Minister and the Secretary of State jointly the amount of compensation that would have been payable in respect of those securities of that other body if they, or the beneficial interest therein, had not been held by a body to whom Part II of this Act applies, and there shall be issued to the Central Authority stock of the North of Scotland Board of such amount as in the opinion of the Treasury is, having regard to values at the vesting date, of a value equal to the amount so determined:

Provided that this subsection shall not apply in a case where the body holding the securities or the beneficial interest therein are a body to whom subsection (1) of this section applies.

(5) Where any property, rights, liabilities or obligations are transferred by an order made under Part II of this Act to or from the North of Scotland Board from or to any other Electricity Board, the order may provide for adjusting the obligations of the North of Scotland Board under this section to such extent as the Minister and the Secretary of State think fit.

(6) Any stock issued by the North of Scotland Board under this section shall be deemed to have been issued under section thirteen of the Act of 1943.

(7) The limit imposed by subsection (1) of section fourteen of the said Act on the amount of loans raised by the North of Scotland Board which the Treasury may guarantee shall cease to have effect:

Provided that the aggregate of the amounts outstanding in respect of the principal of any stock issued (other than stock issued to the Central Authority under this section) and of any temporary loans raised by the North of Scotland Board shall not at any time exceed the sum of one hundred million pounds, but nothing in this proviso shall prevent the said Board from borrowing in excess of the said sum for the purpose of redeeming any stock which they are required or entitled to redeem or of repaying any such temporary loans.

(8) Where the property, rights, liabilities and obligations of any authorised undertakers have vested under Part II of this Act in the North of Scotland Board, the prices to be charged by that Board for electricity supplied within the area of supply of those undertakers shall, pending any determination in accordance with regulations under section ten of the Act of 1943 applying to such prices, not exceed the prices charged in the said area immediately before the vesting date.

PART IV.

MISCELLANEOUS AND GENERAL.

Non-statutory undertakings.

48.—(1) This section applies to any person, not being a body to whom Part II of this Act applies, who at the passing of this Act is engaged in supplying electricity to the general public and who, at any time after the nineteenth day of November, nineteen hundred and forty-five, has incurred or incurs, in respect of works approved by the Minister for the purposes of this section (whether before or after the execution of the works) expenditure properly chargeable to capital account; and in this section any such person is referred to as "the undertakers," and his business, so far as it consists of the supply of electricity to the general public, is referred to as "the electricity undertaking."

Acquisition of
non-statutory
undertakings.

(2) The undertakers may, at any time before the expiration of the period of twelve months beginning with the date of the passing of this Act, serve on the Central Authority a notice requiring that the electricity undertaking shall be transferred under this section, and thereupon the following provisions of this section shall have effect.

(3) On such date, not being later than six months after the service of the notice, as may be agreed between the undertakers and the Central Authority or, in default of agreement, determined by the Minister (which date is hereafter in this section referred to as "the date of transfer"), all property of the undertakers which was, immediately before the date of transfer, wholly or mainly used for the purposes of the electricity undertaking shall, by virtue of this Act, vest in the Area Board whose area comprised the whole or the main part of the area of supply of the undertakers, and shall vest free of any mortgage or other incumbrance.

(4) For the purpose of transferring to the said Area Board agreements to which the undertakers were a party immediately before the date of transfer and which they entered into for the purposes of the electricity undertaking, so far as those agreements remain to be performed after the date of transfer, every such agreement, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the undertakers shall, unless its terms or subject matter make it impossible, have effect, as from the date of transfer, subject to the like modifications (with the substitution of references to the date of transfer for references to the vesting date) as agreements of bodies to whom Part II of this Act applies which are transferred to the Area Board under that Part.

PART IV.
—cont.

(5) The provisions of Part II of this Act relating to the disclaimer of agreements and leases shall apply to any agreements or leases which are transferred to the said Area Board under this section in like manner as they apply to agreements and leases of bodies to whom that Part applies, subject to the modification that for references to the vesting date there shall be substituted references to the date of transfer.

(6) Subject to the provisions of this section, there shall be paid by the Central Authority to the undertakers, by way of compensation for the transfer of the electricity undertaking, such amount as the undertaking might have been expected to realise if—

(a) it had been sold as a going concern on the date of transfer in the open market by a willing seller to a willing buyer;

(b) the effect of the sale had been to transfer to the buyer the property, rights, liabilities and obligations which are transferred or granted to the Area Board by or under this section, except any property or rights, which are transferred or granted on terms agreed or determined in accordance with regulations made under this section; and

(c) this Act had not been passed.

(7) Any question arising under this section as to—

(a) whether a particular person is a person to whom this section applies;

(b) what property of the undertakers vests in the Area Board under subsection (3) of this section;

(c) what agreements of the undertakers are to have effect in accordance with subsection (4) of this section;

(d) what compensation is to be paid under subsection (6) of this section;

shall, in default of agreement between the undertakers and the Central Authority, be determined by arbitration under this Act, and the provisions of Part II of this Act relating to the arbitration tribunal shall apply for the purpose of determining questions under this section and any questions which, under regulations made under this section, are to be determined by arbitration under this Act, as they apply for the purpose of determining questions under the provisions of Part II of this Act or any regulations made thereunder.

(8) Subsections (2) and (4) of section fifteen of this Act shall apply to the undertakers in like manner as they apply to a local authority subject to the modifications that for references to property held or used by the local authority in

their capacity as authorised undertakers there shall be substituted references to property held or used by the undertakers for the purposes of the electricity undertaking, for references to other capacities of the local authority there shall be substituted references to other purposes of the company and for references to the Minister of Health there shall be substituted references to the Minister and for references to the vesting date there shall be substituted references to the date of transfer, and any question whether any property is or was (for the purposes of the said subsection (2) as so applied) held or used partly for the purposes of the electricity undertaking and partly for other purposes shall, in default of agreement, be determined by arbitration under this Act.

(9) Regulations may make provision, in a case where property vested in an Area Board under this section was, immediately before the date of transfer, subject to a mortgage or other incumbrance, for the payment to the mortgagee or incumbrancer of the compensation or any part of the compensation payable in respect of that property, or may make other provision for the protection of mortgagees and incumbrancers of any such property.

(10) Where at the date of transfer any legal proceedings or any application to any authority under any enactment are pending by or against the undertakers in connection with any property, rights, liabilities or obligations which are vested in or transferred to an Area Board under this section, the Board, if the circumstances so require, may be added as a party to the proceedings or application or may be substituted for the undertakers as a party to the proceedings or application.

(11) Nothing in this section shall operate to transfer any cash or investments of the undertakers to an Area Board, and nothing in this section shall affect—

- (a) any right, liability or obligation with respect to the borrowing of money by the undertakers or to the raising of money by the undertakers by the issue of securities;
- (b) any right, liability or obligation (if the undertakers are a company) under any agreement for the rendering by any person of services to the undertakers as a director (other than a managing director or a director whose functions are substantially those of an employee);
- (c) any right to, or liability to pay, any debt which became due before, or was in respect of a consideration wholly executed before, the date of transfer; or

PART IV
—*cont.*

- (d) any right to, or liability to pay, any damages which accrued before the date of transfer.

(12) Regulations may require any person who is or may be a person to whom this section applies to produce such books of account, records and documents, to supply copies of and extracts from such books, records and documents, and to furnish such other information as may reasonably be required—

- (a) by the Minister for the purpose of ascertaining whether or not this section applies to that person, or for other purposes arising out of the provisions of this section; or
- (b) by any Electricity Board for the purpose of facilitating the taking over of the electricity undertaking of that person by them on the date of transfer;

and to provide facilities for the examination of any such books, records and documents, and the taking of copies thereof and extracts therefrom, and facilities for the verification of other information furnished under the regulations; and such regulations may make provision as to the manner, time and place in or on which any requirement under the regulations is to be complied with, and shall provide for the payment to any such person of expenses reasonably incurred by him in complying with any requirements made by or under the regulations.

(13) For the purposes of this section, a person shall, when supplying electricity to any other person, be deemed to be supplying electricity to the general public unless the electricity is supplied for the purposes of a trade or business and the relationship between the person giving the supply and the person supplied is that of a holding company and a subsidiary company, or vice versa, or either of the said persons is, in some other way, able to exercise a substantial measure of control over the carrying on of the trade or business of the other person, and any question as to whether a supply of electricity to any person is a supply to the general public shall, in default of agreement between the undertakers and the Central Authority, be determined by arbitration under this Act.

(14) The foregoing provisions of this section shall, in their application to any undertakers whose area of supply is wholly or mainly comprised in the North of Scotland District, have effect with the substitution for references to the Minister of references to the Secretary of State, and for references to the Central Authority or to an Area Board of references to the North of Scotland Board.

Further Provisions relating to Electricity Supply.

PART IV.

—cont.

49.—(1) As from the vesting date, it shall be the duty of the Central Authority to provide, except in the North of Scotland District, and it shall be the duty of the North of Scotland Board to provide in that District, a supply of electricity to meet the requirements for haulage or traction of any railway undertakers, and an Area Board shall not, without the approval of the Central Authority, supply electricity to any railway undertakers for the purposes of haulage or traction.

(2) The terms and conditions on which electricity is supplied by an Electricity Board to any railway undertakers for the purposes of haulage or traction shall be determined in accordance with regulations made by the Minister and the Minister of Transport jointly, or, in the case of a supply by the North of Scotland Board, the Secretary of State and the Minister of Transport jointly, and such regulations shall make provision for securing that the charges made for any such supply and the other terms and conditions on which it is provided be such as to avoid financial loss resulting to the Electricity Board from the provision of the supply.

(3) Where electricity is supplied by an Electricity Board to any railway undertakers for the purposes of haulage or traction, the Board may enter into an agreement with the railway undertakers for the use of that supply, on such terms and conditions as may be agreed, for any other purposes for which electricity may be required by the railway undertakers:

Provided that an Area Board shall not make an agreement under this subsection which involves the use of the supply outside the area of that Board, unless the agreement has been approved by the Central Authority.

(4) The Central Authority may, with the approval of the North of Scotland Board, provide in the North of Scotland District a supply of electricity to railway undertakers under this section, and a supply provided by the Central Authority outside the said District may, with the like approval, be used in that District.

(5) The North of Scotland Board may, with the approval of the Central Authority, provide outside the North of Scotland District a supply of electricity to railway undertakers under this section, and a supply provided by the North of Scotland Board in the said District may, with the like approval, be used outside that District.

(6) Where an Area Board provide within their area, with the approval of the Central Authority, a supply of electricity

PART IV.
—*cont.*

to any railway undertakers under this section, that supply may be used outside the area of the Area Board:

Provided that any such supply of electricity shall not be used in the North of Scotland District without the approval of the North of Scotland Board.

(7) Without prejudice to any other enactment providing for the protection of telegraphic lines belonging to or used by the Postmaster General, any electricity supplied under this section to any railway undertakers shall be used in such manner as not to cause, or to be likely to cause, any interference (whether by induction or otherwise) with any such telegraphic line, or with telegraphic communication by means of any such line.

41 & 42 Vict.
c. 76.

In this subsection the expression "telegraphic line" has the same meaning as in the Telegraph Act, 1878.

Use of
heat from
generating
stations.

50.—(1) It shall be the duty of the Central Authority to investigate methods by which heat obtained from or in connection with the generation of electricity may be used for the heating of buildings in neighbouring localities, or for any other useful purpose, and the Authority may accordingly conduct or assist others in conducting, research into any matters relating to such methods of using heat.

(2) Any Electricity Board may themselves provide, or assist other persons to provide, for the heating of buildings by such methods as aforesaid or otherwise for the use of heat obtained as aforesaid.

(3) Any Electricity Board may, in accordance with a scheme submitted by them to the Minister and approved by order of the Minister, exercise for the purposes mentioned in the last foregoing subsection any powers of that Board under this Act (including any enactments incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936 or any local enactment, being powers relating to the breaking up of streets, railways and tramways, in like manner and subject to the like provisions and restrictions as they are exercisable for the purposes of the supply of electricity, subject to such adaptations as may be prescribed by the order:

Provided that, in the case of a scheme of the North of Scotland Board, the scheme shall be submitted to, and approved by order of, the Secretary of State.

(4) Any order made under this section shall be subject to special parliamentary procedure.

51.—(1) Where any Area Board or the North of Scotland Board—

PART IV.
—cont.

- (a) acquire a bulk supply of electricity which is received by them outside their area or, as the case may be, outside the North of Scotland District; or
- (b) provide a supply of electricity outside their area or, as the case may be, outside the North of Scotland District,

Power to
break up
streets for
certain
purposes.

the Board may, in accordance with proposals submitted by them to the Minister and approved by him, exercise for the purpose of such acquisition or the provision of such supply any powers of that Board under this Act (including any enactment incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936, or any local enactment, being powers relating to the breaking up of streets, railways and tramways which would not otherwise be so exercisable:

Provided that, in the case of the North of Scotland Board, the proposals shall be submitted to and approved by the Secretary of State, and the references to the enactments aforesaid shall include a reference to the Act of 1943.

(2) The powers conferred by this section shall be exercisable in like manner and subject to the like provisions and restrictions as they are exercisable by the Board concerned for the purpose of the supply of electricity in the area or District of the Board.

52. The period of ten years specified in section three of the Electricity Supply (Meters) Act, 1936, (which provides that certain meters shall be deemed to be proper meters for ascertaining the value of a supply), being the period after which that section is to cease to apply to any meters, shall be extended by a further period of five years, and accordingly for the words "ten years" in subsection (3) of that section there shall be substituted the words "fifteen years".

Extension of
period for
certification of
meters.

26 Geo. 5 &
1 Edw. 8. c. 20.

Conditions of Employment and Pension rights.

53.—(1) Except so far as they are satisfied that adequate machinery exists for achieving the purposes of this section, it shall be the duty of the Central Authority to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

Machinery
for settling
terms and
conditions
of employment
of staff, etc.

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by Electricity Boards, with provision for reference to arbitration

PART IV.
--cont.

in default of such settlement in such cases as may be determined by or under the agreements; and

- (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by Electricity Boards and the discussion of other matters of mutual interest to the Boards and such persons, including efficiency in the operation of the services of the Boards.

(2) In exercising their powers under the last foregoing subsection the Central Authority shall consult with the Area Boards and the North of Scotland Board.

(3) It shall be the duty of every Area Board and of the North of Scotland Board to comply with any such agreement as aforesaid.

(4) The Central Authority shall send to the Minister, the Secretary of State and the Minister of Labour and National Service copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.

Provisions as
to pension
rights.

54.—(1) The Minister and the Secretary of State may make joint regulations for all or any of the following purposes, that is to say—

- (a) for providing pensions to or in respect of persons who are or have been in the employment of an Electricity Board or a Consultative Council, or persons who have been members of the Central Electricity Board or have been employed by any body to whom Part II of this Act applies or have been employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers, but who have not been taken into the employment of an Electricity Board as aforesaid;
- (b) for the establishment and administration of pension schemes and pension funds for the purposes of the foregoing paragraph, for the continuance, amendment, repeal or revocation of existing pension schemes relating in whole or in part to the like purposes and of enactments relating thereto and of trust deeds, rules or other instruments made for the purposes thereof, for the transfer in whole or in part, or for the extinguishment, of liabilities under any such existing pension schemes, and for the transfer in whole or in part, or winding up, of pension funds held for the purposes of any such existing pension schemes, so, however, that nothing in this paragraph shall be construed as authorising the diversion of any such funds to purposes other than those of the foregoing paragraph;

- (c) for making any provision consequential on any such provision as aforesaid including provision for the dissolution or winding up of bodies, whether incorporated or not, the continued existence whereof is unnecessary having regard to the regulations.

(2) Where provision is made by any such regulations for the amendment, repeal or revocation of any existing pension scheme or of any enactment relating thereto or any trust deed, rules or other instrument made for the purposes thereof, or for the transfer or extinguishment of any liability under any pension scheme or for the transfer or winding up of any pension fund held for the purposes of any such scheme, the regulations shall be so framed as to secure that persons having pension rights under the scheme, whether such persons as are mentioned in paragraph (a) of the last foregoing subsection or not, are not placed in any worse position by reason of the amendment, repeal, revocation, transfer, extinguishment or winding up:

Provided that this subsection shall have effect subject to such limitations as may be prescribed for meeting cases in which, in connection with any provision made by this Act or in anticipation of the making of any such provision, pension rights have been created otherwise than in the ordinary course.

(3) Regulations made under this section shall not be invalid by reason that in fact they do not secure that persons having pension rights are not placed in any worse position by reason of any such amendment, repeal, revocation, transfer, extinguishment or winding up as is mentioned in the last foregoing subsection, but if the Minister and the Secretary of State are satisfied or it is determined as hereinafter mentioned that any such regulations have failed to secure that result, the Minister and the Secretary of State shall as soon as possible make the necessary amending regulations.

Any dispute arising as to whether or not the said result has been secured by any regulations made under this section shall be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereon, and the decision of that referee or board shall be final.

(4) Without prejudice to the generality of the foregoing provisions of this section, regulations made under this section may contain provisions authorising any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of an Electricity Board, being treated as if his service as a member of the Board were service in the

PART IV.
—*cont.*

employment of the Board, and the pension rights of any such person resulting from the operation of any such provision shall not be affected by any provision of this Act which requires that the pensions, if any, which are to be paid in the case of members of the Board are to be determined by the Minister with the approval of the Treasury.

(5) Subject to any regulations made under this section, the provisions of this Act which vest liabilities and obligations of a body to whom Part II of this Act applies in an Electricity Board shall apply in relation to customary obligations of the body in respect of pensions, notwithstanding that the body was under no legal obligation in respect of those pensions, and if any question arises as to the existence or extent of any such customary obligation, the question shall, in default of agreement, be referred to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor, or where the proceedings are to be held in Scotland, after consultation with the Secretary of State, and the decision of that referee or board shall be final and the Electricity Board shall give effect to that decision.

9 & 10 Geo. 6.
c. 67.

(6) Nothing in this section, and in particular nothing in subsection (2) thereof, shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act.

(7) Regulations made under this section may contain such supplementary and consequential provisions as the Minister and the Secretary of State think necessary, including provisions as to the manner in which questions arising under the regulations are to be determined and provisions adapting, modifying or repealing enactments, whether of general or special application.

(8) Regulations made for the purposes of this section may be made so as to have effect from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making thereof shall not place any person other than an Electricity Board in a worse position than he would have been if the regulations had been made to have effect only as from the date of the making thereof.

Compensation
to officers in
connection
with transfers.

55.—(1) The Minister and the Secretary of State jointly shall by regulations require every Electricity Board to pay, in such cases and to such extent as may be specified in the regulations, compensation to officers of any body whose property, rights, liabilities and obligations vest by virtue of this

Act in the Board and officers employed whole-time for the purpose of administering undertakings or parts of undertakings of authorised undertakers, being officers who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the vesting, or in consequence of the subsequent transfer to another Electricity Board or the subsequent disposal in any other manner, of any such property, rights, liabilities or obligations.

PART IV.
—*cont.*

(2) The Minister shall also, in such cases and to such extent as may be specified in the regulations, by regulations require the Central Authority to pay compensation to—

(a) members of the Central Electricity Board, and

(b) Electricity Commissioners and officers of the Electricity Commissioners,

who suffer loss of employment or loss or diminution of emoluments or pension rights or whose position is worsened in consequence of the dissolution of the Central Electricity Board or, as the case may be, the Electricity Commissioners, by or under this Act.

(3) Regulations made under subsection (1) or subsection (2) of this section shall, in such cases and to such extent as may be specified in the regulations, extend to persons who would have been within the said subsection (1) or, as the case may be, the said subsection (2) but for any war service in which they have been engaged.

In this subsection the expression “war service” means service in any of His Majesty’s forces and such other employment as may be specified in the regulations.

(4) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than an Electricity Board in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(5) Regulations made under this section—

(a) shall prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and

PART IV.
—*cont.*

- (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor or where the proceedings are to be held in Scotland, after consultation with the Secretary of State,

and where any such provision is made as is specified in paragraph (b) of this subsection, the decision of the referee or board of referees shall be final.

- (6) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under section sixteen of the Electricity (Supply) Act, 1919, or under section fifteen of and the Fourth Schedule to the Electricity (Supply) Act, 1926, or under the Compensation of Displaced Officers (War Service) (Electricity Undertakings) Order, 1946, being rights arising in consequence of events which occurred before the vesting date.

16 & 17 Geo. 5.
c. 51.

References to the said sections and Schedule shall be construed as including references to those sections and that Schedule as applied by any other enactment, with or without modifications and adaptations.

- (7) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(8) The Minister of Labour and National Service may, with the consent of the Treasury, pay out of moneys provided by Parliament—

- (a) to any referee or to the members of any board of referees appointed by him under this section or the last foregoing section such fees and allowances as he may with the consent of the Treasury determine; and
- (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.

Arbitration
Acts not to
apply to
proceedings
before referees
or boards of
referees.

56. Nothing in the Arbitration Acts, 1889 to 1934, shall be construed as applying to any proceedings before a referee or board of referees appointed under either of the two last foregoing sections by the Minister of Labour and National Service.

*Consequential Amendment of Statutory Provisions.*PART IV.
—cont.

57.—(1) As from the vesting date, the Electricity (Supply) Acts, 1882 to 1936, and any other enactment to which any provision of Part I of the Fourth Schedule to this Act applies, shall have effect subject to the adaptations and modifications specified in Part I of that Schedule, and the Act of 1943 shall have effect subject to the adaptations and modifications specified in Part II of that Schedule, being adaptations, and modifications required for the purpose of applying the said Acts and enactments to Electricity Boards and otherwise required in consequence of the provisions of this Act.

(2) The Schedule to the Electric Lighting (Clauses) Act, 1899, shall, as from the vesting date, be incorporated with this Act, and shall have effect, as so incorporated, subject to the adaptations and modifications specified in Part III of the said Fourth Schedule.

(3) All local enactments in force at the vesting date and applicable to any authorised undertakers except enactments applicable to local authorities or composite companies otherwise than in their capacity as authorised undertakers, shall, as from the vesting date, have effect—

- (a) as if for references to the undertakers there were substituted references to the appropriate Board;
- (b) as if for any reference (however worded and whether expressed or implied) to the undertaking or any part of the undertaking or to the area of supply or any part of the area of supply of the undertakers there were substituted a reference to so much of the business carried on by the appropriate Board as corresponds to that undertaking or part thereof or, as the case may be, a reference to the area constituting the said area of supply or part thereof immediately before the vesting date;

and shall also have effect, as from such date as may be prescribed which may be prior to the making of the regulations but not to the vesting date, with such other adaptations and modifications (if any) as may be prescribed, being adaptations and modifications required in consequence of the provisions of this Act (including the foregoing provisions of this section) or of the Act of 1943:

Provided that the provisions of any such local enactment shall, in so far as they are inconsistent with or rendered redundant by the provisions of this Act (including the foregoing provisions of this section) or of the Act of 1943, cease to have effect, as from the vesting date.

PART IV.
—*cont.*

In this subsection the expression "the appropriate Board"—

- (a) in relation to undertakers all of whose property, rights, liabilities and obligations vest by virtue of this Act in a single Electricity Board, means that Board;
- (b) in relation to undertakers, in whose case generating stations and main transmission lines vest by virtue of this Act in the Central Authority, and other parts of the undertaking vest as aforesaid in an Area Board, means—
 - (i) the Central Authority, as respects any enactment applicable only to the part of the undertaking vested in that Authority;
 - (ii) the Area Board, as respects any enactment applicable only to other parts of the undertaking;
 - (iii) both the said Authority and Board, as respects any enactment applicable both to the part vested in the Authority and to other parts of the undertaking.

(4) For the purpose of securing, so far as reasonably practicable, a uniform statutory code applicable throughout the area of each Area Board and the North of Scotland District, the Minister may, as respects local enactments applicable to an Area Board, and the Secretary of State may, as respects local enactments applicable to the North of Scotland Board, by order provide for the repeal or amendment of any such enactment or for its extension to the whole of the area concerned, and for such matters consequential on or incidental to any such repeal, amendment or extension for which the Minister or the Secretary of State considers it necessary or expedient to provide.

An order under this subsection shall be subject to special parliamentary procedure.

(5) Where an order made under this Act provides for the transfer of property, rights, liabilities and obligations from any Electricity Board to another such Board, that order or a subsequent order may provide for the application to the last named Board of the provisions of any local enactment applicable to the first named Board, so far as appears to the Minister or Ministers by whom the order is made necessary or expedient in consequence of the said transfer.

(6) Where the undertaking of any person authorised by any enactment to supply electricity does not vest by virtue of this Act in any Electricity Board, the Minister or Secretary of State, as the case may be, may by order provide for the continued application to the undertaking, subject to such

adaptations and modifications as may be necessary, of any enactments which would otherwise cease to apply to the undertaking in consequence of this section, including enactments repealed by this section.

PART IV.
—cont.

(7) As from the vesting date, the enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and, where any local enactment incorporates (with or without adaptations or modifications) any provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, repealed by this subsection, or contains any provisions substantially corresponding therewith, those provisions shall cease to have effect:

Provided that—

- (a) the repeal of any provision under which any special order or other order was made, being an order which would be applicable to an Electricity Board by virtue of subsection (3) of this section, shall not affect that order;
- (b) the repeal of the provisions of section sixteen of the Electricity (Supply) Act, 1919, and section fifteen of and the Fourth Schedule to the Electricity (Supply) Act, 1926, and of the Fifth Schedule to the Act of 1943 (so far as it applies the provisions aforesaid) shall not affect the rights of any person arising under any of those provisions in consequence of any event occurring before the vesting date; and
- (c) the repeal of section forty-two of and the First Schedule to the Civil Defence Act, 1939, shall not ^{2 & 3 Geo. 6.} prevent the disposal of plant, equipment and ^{c. 31.} property, and the application of the proceeds thereof, in accordance with Part II of the said Schedule.

58.—(1) The Minister may by order provide—

- (a) for dissolving the Electricity Commissioners;
- (b) for transferring to the Minister all property, rights, liabilities and obligations of the Electricity Commissioners, and for the modification of agreements so far as necessary for giving effect to the transfer of rights, liabilities and obligations thereunder;
- (c) for transferring to the Minister, the Secretary of State, the Central Authority or the North of Scotland Board any functions previously exercisable by the Electricity Commissioners under any enactment or for extinguishing any such functions;
- (d) for transferring from the Minister to the Central Authority or the North of Scotland Board such of the

Power to
dissolve
Electricity
Commission-
ers.

PART IV.
—cont.

property, rights, liabilities and obligations transferred to him from the Electricity Commissioners as appear to the Minister to relate to any functions of the Commissioners so transferred;

- (e) for the adaptation, modification or repeal of enactments relating to the Electricity Commissioners; and
- (f) for matters incidental or supplementary to the matters aforesaid for which it appears to the Minister to be necessary or expedient to provide.

(2) Any order made under this section shall secure that the pension rights of persons who have been Electricity Commissioners or officers of the Electricity Commissioners are not prejudiced by the order, and any pension payable in satisfaction of those rights shall be paid out of moneys provided by Parliament and shall be repaid to the Treasury by the Central Authority and the North of Scotland Board on demand to such extent as the Treasury may determine.

Assets of
Electricity
Associations
to be applic-
able for
compensating
their officers.

59. Where any body, not being a body to whom Part II of this Act applies, have among their objects the promotion or protection of the interests of electricity undertakers or any class thereof, or of the officers of electricity undertakers or any class thereof, and, by reason of the failure of the objects of the body in consequence of the provisions of this Act, the affairs of the body are being wound up, any assets of the body which, after satisfaction of all their debts and liabilities, remain undisposed of may, notwithstanding anything in any enactment or instrument defining the objects of the body or regulating their affairs, be applied in whole or in part in compensating the officers of the body.

General.

Power to make
regulations
relating to
efficiency of
supply and
safety.

60.—(1) The Minister may make such regulations as he thinks fit for the purpose of securing that any supply of electricity furnished to any consumer by an Electricity Board is regular and efficient, and that the public is so far as practicable protected from any personal injury, fire or other dangers arising from the use of electricity so furnished.

(2) Any regulations made under section six of the Electric Lighting Act, 1882, and in force immediately before the vesting date shall continue in force, notwithstanding the repeal by this Act of the said section six, and shall have effect as if they had been made under this section.

Penalties.

61.—(1) If any person, in giving any information, making any claim or giving any notice for the purposes of any provision of this Act or of any regulation thereunder, makes any statement which he knows to be false in a material particular,

or recklessly makes any statement which is false in a material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

PART IV.
—*cont.*

(2) Regulations made under any provision of this Act may provide that persons offending against the regulations shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the offence in respect of which he is so convicted is continued after the conviction, he shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding five pounds for each day on which the offence is so continued.

62.—(1) Proceedings for an offence under the last foregoing section or any regulation made under this Act shall not, in England and Wales, be instituted except by or with the consent of the Minister or by the Director of Public Prosecutions.

Provisions
as to
prosecutions
and as to
offences by
corporations.

(2) Where an offence under the last foregoing section or any regulation made under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

63. Any notice or other document required or authorised to be given, delivered or served under this Act or regulations or orders made thereunder or under any enactment applied by or incorporated with this Act may be given, delivered or served either—

Service of
notices, etc

- (a) by delivering it to the person to whom it is to be given or delivered or on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

PART IV.
—cont.

- (d) in the case of an incorporated company or body, or the arbitration tribunal, by delivering it to the secretary or clerk of the company, body or tribunal at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company, body or tribunal at that office; or
- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of a person to whom it should be given or delivered, or on whom it should be served, as being a person having any interest in land, by addressing it to him by the description of the person having that interest in the premises (naming them) to which it relates, and delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

Provisions
as to
regulations
and orders.

64.—(1) Any power conferred by this Act to make regulations or orders shall include power to provide by those regulations or orders for the determination of questions of fact or of law which may arise in giving effect to the regulations or orders and for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions, including provision as to the mode of proof of any matters and provision as to parties and their representation and provision for the right to appear and be heard (as well in court proceedings as otherwise) of the Minister or other authorities, and as to awarding costs of proceedings for the determination of such questions, determining the amount thereof and the enforcement of awards thereof.

(2) Any power conferred by this Act to prescribe by regulations or orders a period within which things are to be done shall include power to provide by those regulations or orders for extending the period so prescribed.

(3) All orders and regulations made under this Act, not being orders or regulations required to be laid before Parliament in draft or orders subject to special parliamentary procedure, shall be laid before Parliament immediately after they are made and if either House, within a period of forty days beginning with the day on which any such order or regulations is or are so laid before it, resolves that the order or regulations be annulled, the order or regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new order or regulations.

(4) In reckoning for the purposes of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(5) Notwithstanding anything in subsection (4) of section 56 & 57 Vict. one of the Rules Publication Act, 1893, orders and regulations made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies. c. 66.

(6) In the case of orders defining or varying the areas for which Area Boards are established under this Act, copies of the maps by reference to which those areas are defined by the orders shall be made available, during the period for which the orders or drafts thereof are laid before Parliament, for inspection by members of each House of Parliament.

(7) Any order made under any such power may be revoked or varied by a subsequent order made in the like manner and subject to the like conditions.

65. Any administrative expenses incurred by the Minister Expenses of or any other Minister of the Crown or Government department the Minister. under this Act shall be paid out of moneys provided by Parliament, and any sums received by the Minister or by any other Minister of the Crown or Government department under or by virtue of this Act shall be paid into the Exchequer.

66.—(1) The Minister or the Secretary of State may cause an Inquiries. inquiry to be held in any case when he deems it advisable to do so in connection with any matter arising under this Act (including any enactment incorporated therewith) or the Electricity (Supply) Acts, 1882 to 1936, or the Act of 1943.

(2) Subsections (2) to (5) of section two hundred and ninety 23 & 24 Geo. 5. of the Local Government Act, 1933, shall apply to any inquiry c. 51. held by the Minister in England and Wales in pursuance of this section, and shall have effect as if the expression "department" included the Minister; and the provisions of the Sixth Schedule to the Act of 1943 shall apply to any inquiry held in Scotland, whether by the Minister or the Secretary of State, in pursuance of this section in like manner as those provisions apply to any inquiry held by the Secretary of State for the purposes of that Act:

Provided that no local authority shall be ordered to pay costs under subsection (4) of the said section two hundred and ninety in the case of any inquiry unless they are a party thereto.

67.—(1) In this Act, except where the context otherwise Interpretation. requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act of 1943" means the Hydro-Electric Development 6 & 7 Geo. 6. (Scotland) Act, 1943; c. 32.

PART IV.
—*cont.*19 & 20 Geo. 5.
c. 23.

- " arbitration tribunal " means the tribunal established under section thirty-one of this Act;
- " Area Board " has the meaning assigned to it by section one of this Act;
- " authorised undertakers " means the bodies specified in the Second Schedule to this Act, and any reference in this Act to the capacity of a local authority or a composite company as authorised undertakers shall be construed as a reference to their capacity as a body authorised by any enactment to supply electricity in an area of supply;
- " bulk supply " means a supply of electricity to be used for the purposes of distribution;
- " Central Authority " has the meaning assigned to it by section one of this Act;
- " company " means a company incorporated by any enactment and a company within the meaning of the Companies Act, 1929;
- " Electricity Board " has the meaning assigned to it by section one of this Act;
- " electricity holding company " has the meaning assigned to it by section thirteen of this Act;
- " electrical fittings " means electric lines, fittings, apparatus and appliances designed for use by consumers of electricity for lighting, heating, motive power and other purposes for which electricity can be used;
- " electric line " has the same meaning as in the Electric Lighting Act, 1882;
- " electrical plant " means any plant, equipment, apparatus and appliances used for the purposes of generating, transmitting and distributing electricity, but not including any electrical fittings;
- " emoluments " includes any allowances, privileges or benefits, whether obtaining legally or by customary practice;
- " employed " means employed as an officer and " employment " shall be construed accordingly;
- " enactment " means a public general Act, a local, private or personal Act, a provisional order confirmed by an Act, and any regulation or order made under any enactment, or any provision contained in any such Act, provisional order, regulation or order, and also includes any deed of transfer whereby statutory powers have been transferred to any authorised undertakers;

“ financial year,”—

PART IV.
—cont.

(a) in relation to the North of Scotland Board, means the financial year determined by the Secretary of State under section fifteen of the Act of 1943;

(b) in relation to any other Electricity Board, means a period of twelve months ending with a day to be prescribed, so however that the first financial year shall be the period beginning with the passing of this Act and ending with the first occurrence of the prescribed day, and, in case of any alteration of the prescribed day, the duration of the financial year as to which the alteration is first to have effect shall be shortened or extended as may be prescribed, by not more than six months, so as to end on the new prescribed day; and

(c) in relation to any body to whom Part II of this Act applies, other than a local authority, means the period of twelve months for which the accounts of the body are normally made up;

“ functions ” means duties and powers;

“ generating station ” has the same meaning as in the Electricity (Supply) Act, 1919;

“ holding company ” shall be construed in accordance with the definition contained in the Companies Act, 10 & 11 Geo. 6.
c. 47.
1947;

“ joint board of local authorities ” means a joint board constituted under section eight of the Electric Lighting Act, 1909, or by a local enactment;

“ lease ” includes an agreement for a lease and any tenancy agreement;

“ loan ”, in relation to a local authority, means a loan raised by the issue of securities or by a mortgage created under Part IX of the Local Government Act, 1933, or any similar enactment, and a loan advanced by the Public Works Loan Commissioners on the security of a mortgage;

“ local authority ” means the council of a county borough, county district or metropolitan borough, and the Common Council of the City of London, and includes, in section seven of this Act, the council of a county, and also includes in any other provision of this Act except the said section seven any joint board of local authorities having functions as authorised undertakers and also other functions;

PART IV.
—*cont.*

- “ local enactment ” means any enactment except a public general Act;
- “ main transmission lines ” has the same meaning as in the Electricity (Supply) Act, 1919;
- “ Minister ” means the Minister of Fuel and Power;
- “ net revenue ”, in relation to any body, means the revenue of that body, after deducting therefrom all charges which are proper to be made to revenue account, including, in particular, proper provision for the redemption of capital and proper provision for depreciation of assets or for renewal of assets, but not including provision for interest on debentures and debenture stock;
- “ North of Scotland Board ” means the North of Scotland Hydro-Electric Board constituted under the Act of 1943;
- “ North of Scotland District ” means the area defined in the Second Schedule to the Act of 1943, subject to any order made under Part I of this Act varying that area;
- “ officer ” includes a managing director and a director whose functions are substantially those of an employee but not any other director, and also includes a servant;
- “ pension ”, in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto;
- “ pension fund ” means a fund established for the purposes of paying pensions;
- “ pension rights ” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension to or in respect of that person, and any expectation of the accruer of a pension to or in respect of that person under any customary practice and includes a right of allocation in respect of the present or future payment of a pension;
- “ pension scheme ” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of an Act, trust, contract or otherwise;
- “ power station company ” has the meaning assigned to it by section thirteen of this Act;
- “ prescribed ” means prescribed by regulations;

“ railway undertakers ” means any body authorised by any enactment to carry goods and passengers by railway;

“ regulations ” means regulations made by the Minister;

“ securities ”, in relation to a body corporate, means any shares, stock, debentures and debenture stock of the body corporate, and also includes any mortgages of the body which were quoted in the Stock Exchange Official Daily List (within the meaning of section twenty of this Act) on all six of the dates first mentioned in subsection (2) of that section, and “ holder of securities ”, in relation to any body to whom Part II of this Act applies, means, except in the provisions relating to the appointment of the stockholders’ representative, a person who, immediately before the vesting date, was the holder of securities of that body, or his successor in title;

“ stockholders’ representative ” has the meaning assigned to it by section twenty-one of this Act;

“ subsidiary company ” shall be construed in accordance with the definition contained in the Companies Act, 1947;

“ vesting date ” has the meaning assigned to it by subsection (1) of section fourteen of this Act.

(2) The definitions of “ the Act of 1943 ”, “ electrical fittings ”, “ the North of Scotland Board ” and “ the North of Scotland District ” shall apply for the purposes of any amendment made by this Act in any other enactment.

(3) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any other enactment, including this Act.

68.—(1) The provisions of this section shall (in addition to Application to the provisions of this Act relating to the North of Scotland Scotland. District) have effect for the purpose of the application of this Act to Scotland.

(2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State, and for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947. 10 & 11 Geo. 6.
c. 42.

(3) The expression “ easement ” means servitude; the expression “ mortgage ” includes a heritable security; the expression “ local authority ” means a county or town council;

PART IV.
—*cont.*

the expression “disclaim” includes abandon, and the expression “disclaimer” shall be construed accordingly; and for any reference to the transfer of stock or the payment of money into Court there shall be substituted a reference to the deposit of a stock certificate or the consignment of money in a bank subject to the orders of the Court of Session.

26 Geo. 5. & 1 Edw. 8. c. 52. (4) Any reference to a Bill in Parliament shall include a reference to an order under the Private Legislation Procedure (Scotland) Act, 1936.

(5) Regulations under subsection (9) of section fourteen of this Act may include provision for the completion of the title of any Electricity Board to heritable property in Scotland vesting in them by virtue of this Act by the execution and recording in the General Register of Sasines of conveyances or instruments relating to such property.

(6) Sections eighteen and twenty-nine of this Act shall have effect as if for any reference to the Law Reform (Frustrated Contracts) Act, 1943, there were substituted a reference to the common law of Scotland with regard to the frustration of contracts.

(7) Any order of the arbitration tribunal may be recorded for execution in the books of Council and Session and shall be enforceable accordingly.

17 & 18 Vict. c. 91. (8) It shall be the duty of the Assessor of Public Undertakings (Scotland) to ascertain and fix the value of all lands and heritages in Scotland belonging to or leased by the Central Authority or any Area Board (other than dwelling-houses or lands and heritages which are let by the said Authority or any such Board, or are not used or adapted for use for the purposes of their functions with regard to the generation or supply of electricity), and for that purpose the provisions of the Lands Valuation (Scotland) Act, 1854, and the Acts amending it shall apply in like manner as that Act as so amended applies in relation to the valuation of the lands and heritages belonging to any company or body which it is the duty of the Assessor to value.

Short title
and extent.

69.—(1) This Act may be cited as the Electricity Act, 1947.

(2) This Act shall not extend to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

AREA ELECTRICITY BOARDS.

<i>Name of Area Board.</i>	<i>Description of Area.</i>
The London Electricity Board.	The administrative County of London and parts of Essex, Kent, Middlesex and Surrey.
The South Eastern Electricity Board.	Parts of Kent, Middlesex, Surrey and Sussex.
The Southern Electricity Board.	Berkshire, Hampshire, the Isle of Wight, Wiltshire and parts of Buckinghamshire, Dorsetshire, Gloucestershire, Middlesex, Oxfordshire, Somersetshire, Surrey and Sussex.
The South Western Electricity Board.	Cornwall (including the Isles of Scilly), Devonshire and parts of Dorsetshire, Gloucestershire (including Bristol) and Somersetshire.
The Eastern Electricity Board.	Cambridgeshire, Hertfordshire, Huntingdonshire, the Isle of Ely, Norfolk, Suffolk and parts of Bedfordshire, Buckinghamshire, Essex, Middlesex, Oxfordshire and the Soke of Peterborough.
The East Midlands Electricity Board.	Leicestershire, Northamptonshire, Rutland and parts of Bedfordshire, Buckinghamshire, Derbyshire, Lincolnshire, Nottinghamshire, the Soke of Peterborough, Staffordshire and Warwickshire.
The Midlands Electricity Board.	Herefordshire, Worcestershire and parts of Gloucestershire, Oxfordshire, Shropshire, Staffordshire and Warwickshire (including Birmingham).

1ST SCH.
—*cont.*

<i>Name of Area Board.</i>	<i>Description of Area.</i>
The South Wales Electricity Board.	Brecknockshire, Carmarthenshire, Glamorganshire, Monmouthshire, Pembrokeshire, Radnorshire and part of Cardiganshire.
The Merseyside & North Wales Electricity Board.	Anglesey, Caernarvonshire, Denbighshire, Flintshire, Merionethshire, Montgomeryshire and parts of Cardiganshire, Cheshire, Lancashire (including Liverpool) and Shropshire.
The Yorkshire Electricity Board.	Parts of Derbyshire, Lincolnshire, Nottinghamshire and of the East and West Ridings of Yorkshire.
The North Eastern Electricity Board.	Durham, Northumberland, the North Riding of Yorkshire and parts of the East and West Ridings of Yorkshire (including York).
The North Western Electricity Board.	Cumberland, Westmorland and parts of Cheshire, Derbyshire, Lancashire (including Manchester) and of the West Riding of Yorkshire.
The South East Scotland Electricity Board.	Berwickshire, Clackmannanshire, Fifeshire, Lothians, Peebles, Selkirkshire and parts of Dunbartonshire, Roxburghshire and Stirlingshire.
The South West Scotland Electricity Board.	Ayrshire, Dumfriesshire, Kirkcudbrightshire, Lanarkshire, Renfrewshire, Wigtownshire and parts of Dunbartonshire, Roxburghshire and Stirlingshire.

Sections 13, 17.

SECOND SCHEDULE.

AUTHORISED UNDERTAKERS TO WHOM PART II OF ACT APPLIES.**PART I.****PUBLIC AND LOCAL AUTHORITIES AND COMPANIES (OTHER THAN COMPOSITE COMPANIES).**

Aberayron and District Electricity Supply and Power Co. Ltd.
 Aberdare Urban District Council.
 Aberdeen Corporation.
 Abertillery Urban District Council.
 Aberystwyth Corporation.
 Accrington Corporation.
 Adwick-le-Street Urban District Council.
 Airdrie Corporation.
 Aldeburgh Electric Supply Co. Ltd.

Idlerley Edge & Wilmslow Electricity Board.
 Idershot Corporation.
 Itton District Electricity Co. Ltd.
 Itringham Electric Supply, Ltd.
 Imble Urban District Council.
 Immanford Urban District Council.
 Ishbourne Urban District Council.
 Ishford Urban District Council.
 Ighton-in-Makerfield Urban District Council.
 Ighton-under-Lyne Corporation.
 Iskrigg & Reeth Electric Supply Co. Ltd.
 Itherton Urban District Council.
 Iydesbury Corporation.
 Iyreshire Electricity Board.
 Iyrescup Corporation.
 Iyresangor Corporation.
 Iyresarking Corporation.
 Iyresarnes Corporation.
 Iyresarnoldswick Urban District Council.
 Iyresarnsley Corporation.
 Iyresarnstaple Corporation.
 Iyresarrow-in-Furness Corporation.
 Iyresarry Corporation.
 Iyresasingstoke Corporation.
 Iyresath Corporation.
 Iyresatley Corporation.
 Iyresattersea Borough Council.
 Iyresbeckenham Corporation.
 Iyresbedford Corporation.
 Iyresbedfordshire, Cambridgeshire & Huntingdonshire Electricity Co.
 Iyresbedwas and Machen Urban District Council.
 Iyresbedwellty Urban District Council.
 Iyresbermondsey Borough Council.
 Iyresbethesda Urban District Council.
 Iyresbethnal Green Borough Council.
 Iyresbexhill Corporation.
 Iyresbexley Corporation.
 Iyresbideford & District Electricity Supply Co. Ltd.
 Iyresbingley Urban District Council.
 Iyresbirkenhead Corporation.
 Iyresbirmingham Corporation.
 Iyresblackburn Corporation.
 Iyresblackpool Corporation.
 Iyresblanford Forum & District Electric Supply Co. Ltd.
 Iyresbolsover Urban District Council.
 Iyresbolton Corporation.
 Iyresborowstounness Corporation.
 Iyresborth & Ynyslas Electric Supply Co. Ltd.
 Iyresboston & District Electric Supply Co. Ltd.
 Iyresbournemouthe Corporation.
 Iyresbournemouthe & Poole Electricity Supply Co. Ltd.
 Iyresbradford Corporation.
 Iyresbredbury and Romiley Urban District Council.
 Iyresbrentford & Chiswick Corporation.

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Brentford Electric Supply Co. Ltd.
Brentwood District Electric Co. Ltd.
Bridgend Urban District Council.
Bridgwater & District Electric Supply & Traction Co. Ltd.
Bridlington Corporation.
Bridport Corporation.
Brierfield Urban District Council.
Brighouse Corporation.
Brighton Corporation.
Bristol Corporation.
Bromley Corporation.
Buckie Corporation.
Buckrose Light & Power Co. Ltd.
Bude Electric Supply Co. Ltd.
Burford Electric Light & Power Co. Ltd.
Burgess Hill Electricity Ltd.
Burnham & District Electric Supply Co. Ltd.
Burnley Corporation.
Burton-upon-Trent Corporation.
Bury Corporation.
Buxton Corporation.
Caernarvon Corporation.
Caerphilly Urban District Council.
Calne Corporation.
Cambridge Electric Supply Co. Ltd.
Campbeltown and Mid-Argyll Electric Supply Co. Ltd.
Cannock Urban District Council.
Canterbury Corporation.
Cardiff Corporation.
Cardiff Rural District Council.
Cark & District Electricity Co. Ltd.
Carlisle Corporation.
Carmarthen Electric Supply Co. Ltd.
Castleford Urban District Council.
Central Electricity Board.
Central London Electricity Ltd.
Central Sussex Electricity Ltd.
Chasetown & District Electricity Co. Ltd.
Cheadle & Gatley Urban District Council.
Cheltenham Corporation.
Chepstow Electric Lighting & Power Co. Ltd.
Chesham Electric Light & Power Co. Ltd.
Chester Corporation.
Chesterfield Corporation.
Chichester Corporation.
Chislehurst Electric Supply Co. Ltd.
Chudleigh Electric Light & Power Co. Ltd.
City of London Electric Lighting Co. Ltd.
Clacton Urban District Council.
Cleethorpes Corporation.
Clitheroe Corporation.
Clyde Valley Electrical Power Co.
Coatbridge Corporation.
Colchester Corporation.

Colne Corporation.
Colne Valley Electric Supply Co. Ltd.
Colne Valley Urban District Council.
Colwyn Bay Corporation.
Congleton Corporation.
Connah's Quay Urban District Council.
Conway Corporation.
Cornwall Electric Power Co.
County of London Electric Supply Co. Ltd.
Coventry Corporation.
Craven Hydro-Electric Supply Co. Ltd.
Crewe Corporation.
Crieff Electric Supply Co. Ltd.
Crook and Willingdon Urban District Council.
Croydon Corporation.
Culm Valley Electric Supply Co. Ltd.
Cwmbran Urban District Council.
Darlington Corporation.
Dartford Corporation.
Darwen Corporation.
Dawlish Electric Light & Power Co. Ltd.
Dearne District Electricity Board.
Denny & Dunipace Corporation.
Derby Corporation.
Derbyshire & Nottinghamshire Electric Power Co.
Dewsbury Corporation.
Dolgelly Urban District Council.
Doncaster Corporation.
Dorchester Corporation.
Dover Corporation.
Dumbarton Corporation.
Dumfries Corporation.
Dumfriesshire County Council.
Dunbartonshire County Council.
Dundee Corporation.
Dunoon & District Electricity Supply Co. Ltd.
Ealing Corporation.
Earby Urban District Council.
East Anglian Electric Supply Co. Ltd.
East Dereham Urban District Council.
East Devon Electricity Co. Ltd.
East Grinstead Urban District Council.
East Ham Corporation.
East Retford Corporation.
East Suffolk Electricity Distribution Co. Ltd.
Eastbourne Corporation.
Ebbw Vale Urban District Council.
Eccles Corporation.
Edinburgh Corporation.
Egham & Staines Electricity Co. Ltd.
Electric Supply Corporation, Ltd.
Electrical Distribution of Yorkshire, Ltd.
Electricity Distribution of North Wales & District, Ltd.
Elland Urban District Council.

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Epsom & Ewell Corporation.
Erith Corporation.
Eston Urban District Council.
Exe Valley Electricity Co. Ltd.
Exeter Corporation.
Falkirk Corporation.
Fareham Urban District Council.
Farnworth Corporation.
Faversham Corporation.
Felixstowe Urban District Council.
Fife Electric Power Co.
Finchley Corporation.
First Garden City, Ltd.
Fleetwood Corporation.
Folkestone Electricity Supply Co. Ltd.
Foots Cray Electricity Supply Co. Ltd.
Formby Urban District Council.
Fort William Corporation.
Frinton-on-Sea & District Electric Light & Power Co. Ltd.
Fulham Borough Council.
Gainsborough Urban District Council.
Galloway Water Power Co.
Gellygaer Urban District Council.
Gillingham Corporation.
Glasgow Corporation.
Gloucester Corporation.
Gorseinon Electric Light Co. Ltd.
Grampian Electricity Supply Co.
Grange Urban District Council.
Gravesend Corporation.
Great Yarmouth Corporation.
Greenock Corporation.
Grimsby Corporation.
Guildford Corporation.
Guisborough Urban District Council.
Hackney Borough Council.
Halifax Corporation.
Hamilton Corporation.
Hammersmith Borough Council.
Hampstead Borough Council.
Harrogate Corporation.
Harwich Corporation.
Haslingden Corporation.
Hastings Corporation.
Hawarden Rural District Council.
Hawes Electric Lighting Co. Ltd.
Hazel Grove & Bramhall Urban District Council.
Hebden Royd Urban District Council.
Heckmondwike Urban District Council.
Helensburgh Corporation.
Herne Bay & District Electricity Supply Co. Ltd.
Hertford Corporation.
Heston & Isleworth Corporation.
Heywood Corporation.

High Wycombe Corporation.
Hindley Urban District Council.
Hitchin Urban District Council.
Holmfirth Urban District Council.
Holsworthy Electric Supply Co. Ltd.
Holyhead Urban District Council.
Horley & District Electricity Supply Co. Ltd.
Hornsey Corporation.
Horsham Urban District Council.
Horwich Urban District Council.
Hove Corporation.
Hoylake Urban District Council.
Huddersfield Corporation.
Ilford Corporation.
Ilfracombe Electric Light & Power Co. Ltd.
Ilkley Urban District Council.
Inverness Corporation.
Ipswich Corporation.
Isle of Wight Electric Light & Power Co. Ltd.
Islington Borough Council.
Keighley Corporation.
Kendal Corporation.
Kent Electric Power Co.
Keswick Electric Light Co. Ltd.
Kettering Corporation.
King's Lynn Corporation.
Kingston-upon-Hull Corporation.
Kingston-upon-Thames Corporation.
Kirkcaldy Corporation.
Kirkcudbright County Council.
Lanarkshire County Council.
Lanarkshire Hydro-Electric Power Co.
Lancashire Electric Power Co.
Lancaster Corporation.
Leeds Corporation.
Leek Urban District Council.
Leicester Corporation.
Leicestershire & Warwickshire Electric Power Co.
Leigh Corporation.
Lerwick Corporation.
Lewes & District Electric Supply Co. Ltd.
Leyton Corporation.
Lichfield Corporation.
Lincoln Corporation.
Littleborough Urban District Council.
Liverpool Corporation.
Llandrindod Wells Urban District Council.
Llandudno Urban District Council.
Llanelli & District Electric Supply Co. Ltd.
Llanfairfechan Urban District Council.
Llangollen Urban District Council.
Loch Leven Electricity Supply Co. Ltd.
London & Home Counties Joint Electricity Authority.
London Electric Supply Corporation Ltd.

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London Power Co. Ltd.
Long Eaton Urban District Council.
Lossiemouth and Brandenburgh Corporation.
Lothians Electric Power Co.
Loughborough Corporation.
Louth Corporation.
Lowestoft Corporation.
Luton Corporation.
Lyme Regis Corporation.
Lynton & Lynmouth Electric Light Co., Ltd.
Lytham St. Anne's Corporation.
Macclesfield Corporation.
Machynlleth Electric Supply Co. Ltd.
Maesteg Urban District Council.
Maidenhead Corporation.
Maidstone Corporation.
Malvern Urban District Council.
Manchester Corporation.
Mansfield Corporation.
Margate, Broadstairs & District Electricity Board.
Market Drayton Electric Light & Power Co. Ltd.
Marlborough Corporation.
Marple Urban District Council.
Melton Mowbray Electric Light Co. Ltd.
Menai Bridge Urban District Council.
Mersey Power Co. Ltd.
Merthyr Electric Traction & Lighting Co. Ltd.
Metropolitan Electric Supply Co. Ltd.
Mexborough Urban District Council.
Mid-Cheshire Electricity Supply Co. Ltd.
Mid-Cumberland Electricity Co. Ltd.
Mid-Lincolnshire Electric Supply Co. Ltd.
Mid-Somerset Electric Supply Co. Ltd.
Middlesbrough Corporation.
Middleton Corporation.
Midland Electric Corporation for Power Distribution Ltd.
Midland Electric Light & Power Co. Ltd.
Milford-on-Sea Electric Supply Co. Ltd.
Milford Haven Urban District Council.
Millom Rural District Council.
Milnrow Urban District Council.
Milton & Barton-on-Sea (Hants) Electricity Supply Co. Ltd.
Minehead Electric Supply Co. Ltd.
Mirfield Urban District Council.
Mold Urban District Council.
Monmouth Electricity Co. Ltd.
Morecambe & Heysham Corporation.
Morley Corporation.
Motherwell & Wishaw Corporation.
Mountain Ash Urban District Council.
Musselburgh & District Electric Light & Traction Co. Ltd.
Mynyddislwyn Urban District Council.
Neath Corporation.
Neath Rural District Council.

Nelson Corporation.
New Mills Urban District Council.
Newark Corporation.
Newcastle & District Electric Lighting Co. Ltd.
Newcastle-under-Lyme Corporation.
Newcastle-upon-Tyne Corporation.
Newmarket Electric Light Co. Ltd.
Newport Corporation (Mon.).
Newton-le-Willows Urban District Council.
Normanton Urban District Council.
North Berwick Corporation.
North-Eastern Electric Supply Co. Ltd.
North Lincolnshire & Howdenshire Electricity Co. Ltd.
North of Scotland Electric Light & Power Co. Ltd.
North Somerset Electric Supply Co. Ltd.
North Wales and South Cheshire Joint Electricity Authority.
North Wales Power Co. Ltd.
North West Midlands Joint Electricity Authority.
Northampton Electric Light & Power Co. Ltd.
Northmet Power Co.
Northwood Electric Light & Power Co. Ltd.
Norwich Corporation.
Notting Hill Electric Lighting Co. Ltd.
Nottingham Corporation.
Nuneaton Corporation.
Oban Corporation.
Ogmore & Garw Urban District Council.
Oldham Corporation.
Ormskirk Electric Supply Co. Ltd.
Ossett Corporation.
Oswestry Corporation.
Oxford Corporation.
Padiham Urban District Council.
Paignton Electric Light & Power Co. Ltd.
Paisley Corporation.
Peacehaven Electric Light & Power Co. Ltd.
Penarth Urban District Council.
Penmaenmawr Urban District Council.
Penrith Electric Supply Co. Ltd.
Penybont Rural District Council.
Perth Corporation.
Peterborough Corporation.
Peterhead Electricity Co. Ltd.
Petersfield Electric Light & Power Co. Ltd.
Plymouth Corporation.
Plympton St. Mary Rural District Council.
Pontardawe Rural District Council.
Pontypool Electric Light & Power Co. Ltd.
Pontypridd Urban District Council.
Poplar Borough Council.
Port Talbot Corporation.
Porthcawl Electricity Co. Ltd.
Portland Urban District Council.
Portsmouth Corporation.

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Prestatyn Urban District Council.
Preston Corporation.
Pudsey Corporation.
Radcliffe Corporation.
Ramsgate & District Electric Supply Co. Ltd.
Rawtenstall Corporation.
Reading Corporation.
Redcar Corporation.
Reigate Corporation.
Rhondda Urban District Council.
Rhyl Urban District Council.
Richmond (Surrey) Electric Light & Power Co. Ltd.
Richmond (Yorks) Corporation.
Ringmer & District Electricity Co. Ltd.
Ringwood Electric Supply Co. Ltd.
Risca Urban District Council.
Rochdale Corporation.
Rotherham Corporation.
Rugby Corporation.
Rushden & District Electric Supply Co. Ltd.
Ruthin Corporation.
St. Austell & District Electric Lighting & Power Co. Ltd.
St. Helens Corporation.
St. Marylebone Borough Council.
St. Pancras Borough Council.
Sale Corporation.
Salford Corporation.
Salisbury Electric Light & Supply Co. Ltd.
Scarborough Corporation.
Scottish Central Electric Power Co.
Scottish Midlands Electricity Supply Ltd.
Scottish Southern Electric Supply Co. Ltd.
Scunthorpe Corporation.
Seaford & Newhaven Electricity Ltd.
Seaham Urban District Council.
Seaton and District Electric Light Co. Ltd.
Sedbergh Electricity Supply Co. Ltd.
Settle and District Electricity Co. Ltd.
Sevenoaks & District Electricity Co. Ltd.
Sheerness & District Electric Supply Co. Ltd.
Sheffield Corporation.
Shipley Urban District Council.
Shoreditch Borough Council.
Shoreham & District Electric Lighting & Power Co. Ltd.
Shropshire, Worcestershire & Staffordshire Electric Power Co.
Skelmorlie Electric Supply Co. Ltd.
Skelton and Brotton Urban District Council.
Skipton Urban District Council.
Sleaford Urban District Council.
Slough & Datchet Electric Supply Co. Ltd.
South Cumberland Electricity Supply Co. Ltd.
South-East Kent Electric Power Co. Ltd.
South-East Yorkshire Light & Power Co. Ltd.
South London Electric Supply Corporation, Ltd.

South Metropolitan Electric Light & Power Co. Ltd.
South Shields Corporation.
South Somerset & District Electricity Co. Ltd.
South Wales Electric Power Co.
Southampton Corporation.
Southend-on-Sea Corporation.
Southport Corporation.
Southwark Borough Council.
Spalding Urban District Council.
Spenborough Urban District Council.
Stafford Corporation.
Stalybridge, Hyde, Mossley & Dukinfield Transport & Electricity Board.
Stanley Urban District Council.
Stepney Borough Council.
Steyning Electricity Ltd.
Stirling Corporation.
Stockport Corporation.
Stockton-on-Tees Corporation.
Stoke Newington Borough Council.
Stoke-on-Trent Corporation.
Stone Urban District Council.
Stornoway Electric Supply Co. Ltd.
Strathclyde Electricity Supply Co. Ltd.
Stretford & District Electricity Board.
Stroud Electric Supply Co. Ltd.
Sunderland Corporation.
Sussex Electricity Supply Co. Ltd.
Sutton Coldfield Corporation.
Swansea Corporation.
Swindon Corporation.
Swinton & Pendlebury Corporation.
Tadcaster Electricity Co. Ltd.
Tamworth District Electric Supply Co. Ltd.
Taunton Corporation.
Teignmouth Electric Lighting Co. Ltd.
Thornbury & District Electricity Co. Ltd.
Thornton Cleveleys Urban District Council.
Thurrock Urban District Council.
Thurso & District Electric Supply Co. Ltd.
Tiverton Corporation.
Todmorden Corporation.
Tonbridge Urban District Council.
Torquay Corporation.
Towyn, Aberdovey and District Electricity Co. Ltd.
Tredegar Urban District Council.
Trent Valley & High Peak Electricity Co. Ltd.
Tunbridge Wells Corporation.
Turton Urban District Council.
Tynemouth Corporation.
Ulverston Urban District Council.
Urban Electric Supply Co. Ltd.
Utttoxeter Urban District Council.
Uxbridge & District Electric Supply Co. Ltd.

2ND SCH.
—*cont.*

Wakefield Corporation.
Wallasey Corporation.
Walsall Corporation.
Walthamstow Corporation.
Walton and Weybridge Urban District Council.
Warmley Rural District Council.
Warrington Corporation.
Watford Corporation.
Weald Electricity Supply Co. Ltd.
Wellingborough Electric Supply Co. Ltd.
Wellington District Electricity Co. Ltd.
Welwyn Garden City Electricity Supply Co. Ltd.
Wessex Electricity Co.
West Bromwich Corporation.
West Cambrian Power Co. Ltd.
West Devon Electric Supply Co. Ltd.
West Gloucestershire Power Co. Ltd.
West Ham Corporation.
West Hampshire Electricity Co. Ltd.
West Hartlepool Corporation.
West Kent Electric Co. Ltd.
West Lothian County Council.
West Midlands Joint Electricity Authority.
West Riding Automobile Co. Ltd.
Westmorland and District Electricity Supply Co. Ltd.
Weston-super-Mare & District Electric Supply Co. Ltd.
Weymouth and Melcombe Regis Corporation.
Whitby Urban District Council.
Whitehaven Corporation.
Whitstable Electric Co. Ltd.
Whitworth Urban District Council.
Wick Corporation.
Wickford & District Electricity Supply Co. Ltd.
Wigan Corporation.
Wigtownshire Electricity Co. Ltd.
Willesden Corporation.
Wilton Electricity Supply Co. Ltd.
Wimbledon Corporation.
Winchester Corporation.
Windermere & District Electricity Supply Co. Ltd.
Windsor Electrical Installation Co. Ltd.
Wisbech Electric Light & Power Co. Ltd.
Witney Urban District Council.
Woking Electric Supply Co. Ltd.
Wolverhampton Corporation.
Woodstock & District Electrical Distribution Co. Ltd.
Woolwich Borough Council.
Worcester Corporation.
Workington Corporation.
Worksop Corporation.
Worthing Corporation.
Wrexham Corporation.
Yale Electric Power Co. Ltd.
York Corporation.
Yorkshire Electric Power Co.

PART II.

2ND SCH.

—cont.

COMPOSITE COMPANIES.

Ascot District Gas & Electricity Co.
 Bognor & District Gas & Electricity Co.
 Brixham Gas & Electricity Co.
 Bungay Gas & Electricity Co.
 Farnham Gas & Electricity Co.
 Guildford Gas Light & Coke Co.
 Mid Southern Utility Co.
 Oakham Gas & Electricity Co. Ltd.
 Salcombe Gas & Electricity Co. Ltd.
 Whitchurch (Hants) Gas & Electricity Co. Ltd.
 Uckfield Gas & Electricity Co.
 Yorktown (Camberley) Gas & Electricity Co.

THIRD SCHEDULE.

Sections 20, 40.

 ISSUE OF BRITISH ELECTRICITY STOCK IN SATISFACTION OF
 COMPENSATION.

PART I.

*Provisions applicable to securities with values determined
 before the vesting date.*

1. This part of this Schedule shall apply to securities in respect of which compensation is payable under Part II of this Act and the values of which are declared by order of the Minister to have been determined under the said Part II before the vesting date.

2. The holders of any securities to which this Part of this Schedule applies shall, by virtue of this Act, become instead on the vesting date the holders of the amount of British Electricity Stock to which they are entitled, and all securities to which this Part of this Schedule applies shall, by virtue of this Act, be extinguished on the vesting date.

3. The interest on the said stock shall begin to accrue as from the vesting date.

4. The regulations to be made under Part III of this Act by the Minister with the approval of the Treasury for prescribing the terms on which and the provisions in accordance with which British Electricity Stock is to be issued, transferred, dealt with and redeemed, shall include provisions whereby any stock or share certificate or other similar document in force immediately before the vesting date in relation to any securities to which this Part of this Schedule applies shall be treated as applicable to any British Electricity Stock created and issued by way of compensation in respect of those securities until the corresponding document is issued with respect to that stock.

3RD SCH.
—*cont.*

5. Where the holder of any securities becomes, under this Part of this Schedule, instead the holder of British Electricity Stock, he shall hold that stock in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as those in, on or subject to which he held those securities, and any provision of any deed, will, disposition or other instrument, and any statutory provision as to what is to be done by the holder of the securities or the redemption moneys thereof, shall, with any necessary modifications, have effect in relation to the said stock as it would have had effect in relation to the securities if they had not been extinguished :

Provided that—

- (a) any beneficial interest of any body to whom Part II of this Act applies in any of the said securities shall be treated as having passed to the Central Authority and the foregoing provisions of this paragraph shall have effect accordingly ;
- (b) nothing in this paragraph shall limit the powers of the Minister under Part III of this Act as respects the making, with the approval of the Treasury, of regulations in relation to British Electricity Stock.

6. Nothing in this Part of this Schedule affects the making of any payment or distribution by a stockholders' representative, in accordance with the provisions of Part II of this Act relating to the final payment of dividends and interest, to the holders of securities of any body to whom the said Part II applies.

PART II.

Provisions applicable to other securities.

1.—(1) The provisions of this Part of this Schedule shall apply to such of the securities in respect of which compensation is payable under Part II of this Act as are not securities to which Part I of this Schedule applies.

(2) In this Part of this Schedule, the expression " the conversion date " means, in relation to any securities, such date as may be specified in relation thereto by order of the Minister, being a date as soon as conveniently may be after the compensation payable in respect of those securities has been determined.

2. During the period beginning with the vesting date and ending immediately before the conversion date, the securities to which this Part of this Schedule applies shall, notwithstanding the dissolution of the bodies to whom Part II of this Act applies, continue to exist and may be transferred, and the Central Authority shall keep the registers or other records of the holders of those securities, but the only rights which shall attach to those securities shall be—

- (a) the right to have instead British Electricity Stock which attaches to the securities by virtue of the next following paragraph ; and
 - (b) the right to the payment of interest which attaches to the securities under paragraph 5 of this Part of this Schedule ;
- and all other rights attaching to the securities shall, by virtue of this Act, be extinguished on the vesting date.

3. The holders of any securities to which this Part of this Schedule applies shall, by virtue of this Act, become instead on the conversion date the holders of the amount of British Electricity Stock to which they are entitled, and all securities to which this Part of this Schedule applies shall, by virtue of this Act, be extinguished on the conversion date.

4. Interest on the said stock shall begin to accrue as from the vesting date.

5.—(1) The Central Authority shall, on such dates as the Minister may direct, make to the persons who are, at such times as may be specified in the direction, holders of any securities to which this Part of this Schedule applies, payments of interest not exceeding the amount which, in the opinion of the Central Authority, will be found to have accrued on the British Electricity Stock ultimately issued under paragraph 3 of this Part of this Schedule in satisfaction of compensation payable in respect of those securities.

(2) If the amounts paid by the Central Authority under this paragraph in respect of any securities are equal to or greater than the amount of interest which is found to have accrued, for the period beginning with the vesting date and ending immediately before the conversion date, on the British Electricity Stock created and issued as aforesaid in satisfaction of compensation payable in respect of those securities, the interest so found to have accrued shall be treated as discharged.

(3) If the amount paid as aforesaid in respect of any securities is less than the amount found to have accrued as aforesaid on the British Electricity Stock created and issued as aforesaid in satisfaction of compensation payable in respect of those securities, the amount so found to have accrued shall be treated as discharged to the extent of the amount so paid and the balance shall be added to and treated as part of the interest (being interest accruing on and after the conversion date), which first falls to be paid after the conversion date on that stock.

(4) Any amount payable under sub-paragraph (1) of this paragraph which has not been paid by reason that it has not been possible to discover the person entitled thereto or that the title thereto has not been established or that a cheque or warrant issued for the purpose of making payment thereof has not been encashed shall, for the purposes of sub-paragraphs (2) and (3) of this paragraph (but not for any other purposes) be treated as paid.

6. Paragraphs 4, 5 and 6 of Part I of this Schedule shall apply for the purpose of this Schedule as if—

(a) any reference therein to that Part of this Schedule were a reference to this Part of this Schedule; and

(b) the reference in the said paragraph 4 to the vesting date were a reference to the conversion date.

FOURTH SCHEDULE.

ADAPTATIONS AND MODIFICATIONS OF ENACTMENTS.

PART I.

ENACTMENTS OTHER THAN THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899, AND THE HYDRO-ELECTRIC DEVELOPMENT (SCOTLAND) ACT, 1943.

General Adaptations.

Subject to any specific adaptation or modification made by this Schedule, references in any of the provisions of the Electricity (Supply) Acts, 1882 to 1936, or any other enactment (except the Electric Lighting (Clauses) Act, 1899, the Act of 1943, or any local enactment)—

- (a) to any body or person authorised by any enactment or licence to supply electricity in any area (whatever expression may be used to describe such a body or person) ;
- (b) to the undertaking of any such body or person ; and
- (c) to any enactment or licence authorising such supply (whatever expression may be used) ;

shall be construed as referring only to an Electricity Board, to the business carried on by any such Board, and to any local enactment applicable to any such Board, respectively.

References in any of the provisions of the Electricity (Supply) Acts, 1882 to 1936, to those Acts, and any reference therein to one or more of those Acts, being a reference which, by virtue of the construction of those Acts as one, is to be construed as a reference to all the said Acts, shall be construed as including a reference to this Act and, as regards the North of Scotland Board, to the Act of 1943.

In their application to the North of Scotland District, the Electricity (Supply) Acts, 1882 to 1936, shall have effect with the additional modification that there shall be substituted (except in section four of the Electric Lighting Act, 1888, sections one to four, twenty-nine and thirty-nine of the Electricity (Supply) Act, 1919, and the Electricity Supply (Meters) Act, 1936) for references to the Minister or the Electricity Commissioners, references to the Secretary of State.

*Specific Adaptations and Modifications.**Enactment.**Adaptation or Modification.*

Electric Lighting Act,
1882 (45 & 46 Vict.
c. 56).

s. 12 ... For the words from " For the purposes of this Act " to " under this Act " there shall be substituted—

" For the purposes of this Act, in the construction of all the enactments incorporated by this section the ' promoters ' or ' undertakers ' means an Electricity Board and ' the undertaking ' means the business carried

*Enactment.**Adaptation or Modification.*4TH SCH.
—cont.

Electric Lighting Act,
1882 (45 & 46 Vict.
c. 56)—*cont.*
s. 12—*cont.*

on by such a Board, and 'the special Act' means the Electricity (Supply) Acts, 1882 to 1936 (including, as regards the North of Scotland Board, the Act of 1943), the Electricity Act, 1947, and any local enactment (within the meaning of the last named Act) applicable to any such Board";

and for the words "the area within which the undertakers are authorised to supply electricity under any licence, order or special Act" there shall be substituted the words "in relation to the Central Authority, the whole of Great Britain except the North of Scotland District. in relation to any Area Board, the area for which that Board is for the time being established and, in relation to the North of Scotland Board, the North of Scotland District".

s. 13 ... For the words "the undertakers" there shall be substituted the words "the North of Scotland Board or any Area Board", and the words "insert any such special powers in any licence or provisional order, or" shall be omitted.

s. 14 ... The section shall not apply to main transmission lines the construction of which is authorised by a scheme under the Act of 1943.

s. 15 .. The words "and to any bye-laws made under this Act" shall be omitted.

s. 16 ... For the words "the undertakers", in the first three places where they occur, there shall be substituted the words "an Electricity Board or any undertakers whose undertaking has been transferred to any such Board".

s. 18 ... For the words "lamp or burner", wherever they occur throughout the section, there shall be substituted the words "electrical fittings".

s. 31 ... For this section the following section shall be substituted:—

" 31. In this Act, unless the context otherwise requires, the expression 'local authority' means—

(a) in England and Wales the council of a county borough, county

4TH SCH.
—cont.*Enactment.*

Electric Lighting Act,
1882 (45 & 46 Vict.
c. 56)—*cont.*
s. 31—*cont.*

Adaptation or Modification.

district or metropolitan borough
and the Common Council of the
City of London; and
(b) in Scotland a county or town
council."

s. 36 ... The definition of the expression "public
purposes" shall be omitted.

Electric Lighting Act,
1909 (9 Edw. 7. c. 34).

s. 2 ... For the words "any undertakers" there
shall be substituted the words "the
Central Authority"; after the words
"the Board of Trade" there shall be
inserted the words "(which consent may
be subject to such conditions as the
Minister may impose)"; after the word
"construct" there shall be inserted the
words "or extend", the words from
"acquired by them" to the words
"special Act or Provisional Order"
shall be omitted; after the word "con-
structed" there shall be inserted the
words "or extended"; at the end
of the first paragraph of the section
there shall be inserted the words "and,
in the case of an extension of any
generating station, the Minister may,
if the extension appears to him to be
of a minor character, dispense with the
giving of a notice and of an opportunity
for stating objections as aforesaid"; and
the second paragraph of the section shall
be omitted.

s. 23 ... For the words from the beginning of the
section to "in terms of the Electric
Lighting Acts" there shall be substituted
the words "It shall not be lawful for
any local authority, company or person,
other than an Electricity Board, to
commence to supply or distribute electri-
city."

s. 25 ... The definition of the expressions "Pro-
visional Order", "authorised", "area of
supply", "undertakers", "generating
station", and "to supply electricity in
bulk" shall be omitted.

s. 26 ... Subsection (1) shall be omitted.

*Enactment.**Adaptation or Modification.*

4TH SCH.

—cont.

Electricity (Supply) Act,
1919 (9 & 10 Geo. 5.
c. 100).

- s. 10 The words "a joint electricity authority or" shall be omitted.
- s. 11 After the word "person", where it first occurs, there shall be inserted the words "other than the Central Authority or the North of Scotland Board", the words "or main transmission line" shall be omitted, the words "a joint electricity authority or" shall be omitted, and the words from "Provided also" to the end of the section shall be omitted.
- s. 15 In subsection (1) the words "on the representation of the Electricity Commissioners" and "any joint electricity authority or" and "joint electricity authority or" shall be omitted, and in proviso (a) to that subsection for the words "a special order" there shall be substituted the words "subject to special parliamentary procedure"; and subsections (2), (3) and (4) shall be omitted.
- s. 21 After the word "consent" in the first and third places where it occurs, the words "or authorisation" shall be inserted, and after the word "to" in the first place where it occurs there shall be inserted the words "or for."
- s. 22 The words "A joint electricity authority or" and the words "joint electricity authority or", wherever they occur, shall be omitted, and for the words "special order as defined in the Electric Lighting (Clauses) Act, 1899," wherever they occur, there shall be substituted the words "local enactment (as defined by the Electricity Act, 1947) applicable to the Electricity Board".
- s. 29 Subsection (2) shall be omitted, and at the end of the section the following subsection shall be added:—
 "(4) If the said fund proves insufficient to defray the payments required to be made out of the fund under the last foregoing subsection, the deficit shall be made good by the

4TH SCH.
—cont.*Enactment.**Adaptation or Modification.*

Electricity (Supply) Act,
1919 (9 & 10 Geo. 5.
c. 100).—*cont.*
s. 29—*cont.*

Central Authority and the North of Scotland Board in such proportions as the Minister and the Secretary of State may determine ”.

s. 31 ... The words “ by a joint electricity authority or ” shall be omitted.

s. 36 ... The definitions of “ authorised undertakers ”, “ authorised distributors ”, “ power company ”, “ lighting authority ”, “ subsidiary company ” and “ sinking fund charges ” shall be omitted.

Electricity (Supply) Act,
1922 (12 & 13 Geo. 5.
c. 46).

s. 11 ... The words “ joint electricity authority or ”, wherever they occur, and the words “ authority or ” shall be omitted, and for the words “ the principal Act ”, wherever they occur, there shall be substituted the words “ the Electricity (Supply) Act, 1919 ”.

s. 25 ... In subsection (1), for paragraphs (a) (b) and (c) there shall be substituted the following paragraphs—

“ (a) to the owners or lessees of any other railway generating station;
or

(b) to any Electricity Board ; or

(c) to any consumer, subject to the consent of the Area Board in whose area the premises to be supplied are situated or, if they are situated in the North of Scotland District, the North of Scotland Board ” ;

and the words from “ Provided that ” to the end of paragraph (iii) shall be omitted.

Electricity (Supply) Act,
1926 (16 & 17 Geo. 5.
c. 51).

s. 24 ... For the words “ the Board ”, in both places where they occur, there shall be substituted the words “ an Electricity Board ”.

s. 34 ... In subsection (1) the words “ main transmission line or other ” shall be omitted and subsection (7) shall be omitted.

*Enactment.**Adaptation or Modification.*4TH SCH.
—cont

Electricity (Supply) Act,
1926 (16 & 17 Geo. 5.
c. 51)—*cont.*

s. 35 ... For the words "the Board", where they first occur, there shall be substituted the words "an Electricity Board"; for the words "work by this Act authorised" and "portion of the undertaking by this Act authorised" there shall be substituted the words "work of an Electricity Board".

s. 44 ... In subsection (1) for the word "applications" there shall be substituted the words "application is", after the words "place the line" there shall be inserted the words "or, as the case may be, may commence proceedings under the Acquisition of Land (Authorisation Procedure) Act, 1946, as applied by section nine of the Electricity Act, 1947, to purchase compulsorily a right to place the line" and at the end of the subsection there shall be inserted the words "or, as the case may be, under the said section twenty-one and under the said Act of 1946 as so applied"; in subsection (2) the words "the Board or", in the first place where they occur shall be omitted, the words "Board or" in the second place where they occur shall be omitted and after the words "Electricity (Supply) Act, 1919" there shall be inserted the words "or, in the case of the North of Scotland Board, under the provisions of the Act of 1943".

s. 51 ... In subsection (1) the definitions of "generating station", "authorised undertakers", "local authority" and "absolute right of veto" shall be omitted; and subsections (2) to (5) shall be omitted.

The Electricity Supply
(Meters), Act 1936
(26 Geo. 5. & 1 Edw. 8.
c. 20).

s. 1 ... The proviso to subsection (4) shall be omitted.

s. 2 ... Subsection (4) shall be omitted.

s. 3 ... The proviso to subsection (2) shall be omitted.

s. 5 ... In subsection (2), the words "except in relation to the administrative county of London" shall be omitted.

4TH SCH.
—cont.

PART II.

THE HYDRO-ELECTRIC DEVELOPMENT (SCOTLAND) ACT, 1943.

General Adaptation.

For references to the Central Electricity Board there shall be substituted throughout the Act references to the Central Authority.

*Specific Adaptations and Modifications.**Section.**Adaptation or Modification.*

- s. 2 ... In subsection (1) after the words "water power" there shall be inserted the words "or otherwise", and after the words "duty of the Board" there shall be inserted the words "subject to any directions of the Secretary of State and" and in paragraph (a) the words "such parts of" and the words from "including" to the end of the paragraph, paragraph (b) and the proviso to paragraph (c) shall be omitted; in subsection (2) for the words "paragraphs (a) and (b)" there shall be substituted the words "paragraph (a)", and the words "and authorised undertakers" shall be omitted.
- s. 5 ... In subsection (1) for paragraph (a) the following paragraph shall be substituted:—
- " (a) the execution of works necessary for the generation or transmission of electricity other than works required for the replacement or renewal of works already authorised; "
- for the word "said" in paragraph (b) there shall be substituted the words "North of Scotland"; the word "or" in that paragraph shall be omitted and paragraph (c) shall be omitted; and at the end of the said subsection (1) there shall be inserted the following words—
- " Provided that if the Secretary of State is satisfied that a proposed extension of an existing generating station involves only works of a minor character he may, subject to such conditions as he may think fit to impose, authorise the Board to execute those works without the preparation of a constructional scheme "; in subsection (3) after the words "scheme is so approved" there shall be inserted the words "or if, the scheme not having been so approved, the Secretary of State and the Minister of Fuel and Power at the request of the Board and after considering any representations by the Central Authority so direct "; in subsections (3) and (4) for the words "Electricity Commissioners" there shall be substituted the words "Central Authority"; in subsection (7) the proviso shall be omitted.
- s. 9 ... In subsection (3) for the words "Electricity Commissioners" there shall be substituted the words "Central Authority".

*Section.**Adaptation or Modification.*

4TH SCH.

—cont.

- s. 10 ... In subsection (1) for the words "Electricity Commissioners" there shall be substituted where those words occur for the first time the words "Central Authority", and where those words occur for the second time the words "Secretary of State", for the words "so however that" there shall be substituted the words "Provided that
- (i) in determining such prices no undue preference shall be shown to, and no undue discrimination shall be exercised against, any person or class of persons; and
- (ii) "and for the word "may" where that word occurs for the first time there shall be substituted the word "shall".
- s. 11 ... In subsections (1) and (4) for the words "Electricity Commissioners" there shall be substituted the words "Secretary of State"; and in subsection (2) for the words "deputy chairman" there shall be substituted the word "members".
- s. 12 ... In subsections (1), (2) and (3) for the words "Electricity Commissioners" there shall be substituted the words "Secretary of State", and in paragraph (a) of the said subsection (2) the words "by or under this Act" shall be omitted.
- s. 14 ... In subsection (1) the proviso shall be omitted.
- s. 15 ... In subsection (1) the words "and containing such particulars" shall be omitted, and for the words "may by regulations prescribe" there shall be substituted the words "with the approval of the Treasury may direct, being a form which shall conform with the best commercial standards and which shall be such as to secure the provision of separate information as respects the generation of electricity, the distribution of electricity and each of the main other activities of the Board and to show as far as may be the financial and operating results of each such activity"; and in subsection (3) for the words "Electricity Commissioners" there shall be substituted the words "Minister of Fuel and Power", and at the end of the subsection there shall be added the words "The Secretary of State shall lay before each House of Parliament a copy of the accounts and of any report thereon sent to him under this subsection".
- s. 16 ... In subsection (1), in sub-paragraph (i) of paragraph (b) for the words "under the directions of" there shall be substituted the word "by", the words from "in virtue" to "1926" shall be omitted, and for the words "in the area of the Central Scotland Electricity Scheme, 1927" there shall be substituted the words "operated in Scotland by the Central Authority"; in paragraph (c) after the word "points" there shall be inserted the words "(and, if there is more than one

4TH SCH.
—cont.

Section.

s. 16—cont.

Adaptation or Modification.

point, in such proportions at those points)", for the words "latter Board" there shall be substituted the words "Central Authority" and for the words "the area of the Central Scotland Electricity Scheme, 1927" there shall be substituted the word "Scotland", for the words from "failing agreement" to "Electricity Commissioners" there shall be substituted the words "may be agreed by the Central Authority and the Board" and for the words "at such times" there shall be substituted the words "at such reasonable times"; in subsection (2) for the word "Boards" there shall be substituted the words "Central Authority and the Board"; in subsection (3) for the words from "and for that" to the end of the subsection there shall be substituted the words "or, with the consent of the Secretary of State, from any other person at such price and on such terms and conditions as may be agreed by the Central Authority and the Board or by the Board and such other person, as the case may be"; in subsection (4) for the word "either" and the word "each" there shall be substituted the words "the Central Authority or the"; in subsection (5) the words "paragraph (b) of subsection (1) of " shall be omitted, and for the words from "the Electricity Commissioners" to the end of the subsection there shall be substituted the words "an arbiter appointed by the Secretary of State and the Minister of Fuel and Power acting jointly".

- s. 17 ... In subsection (1) for the words from the beginning of the subsection to "as possible" there shall be substituted the words "The Central Authority and the Board shall", and in subsection (3) for the words "by the Board" there shall be substituted the words "in equal shares by the Board and the Central Authority".
- s. 18 ... In subsection (1) for the words "Electricity Commissioners" there shall be substituted the words "Secretary of State" and for the words from "such powers" to the end of the subsection there shall be substituted the words "the enactments conferring such powers are modified or repealed by or under the Electricity Act, 1947"; and subsection (2) shall be omitted.
- s. 22 ... For the words "Electricity Commissioners" where those words occur for the first time there shall be substituted the words "Secretary of State given after consultation with the Board"; for the words "Electricity Commissioners" where those words occur for the second time there shall be substituted the words "Secretary of State"; and for the words "their consent" and the words "they are" there shall be respectively substituted the words "his consent" and the words "he is".

Section.

Adaptation or Modification.

4TH SCH.

—cont.

s. 23 ... In subsection (1), after the words "such report" there shall be inserted the words "shall set out any direction given by the Secretary of State to the Board during that year unless the Secretary of State has notified the Board that in his opinion it is against the interests of national security to do so and", and for subsection (2) the following subsection shall be substituted:—

"(2) The Board shall furnish to the Secretary of State and the Minister of Fuel and Power such returns, accounts and information regarding the property and activities of the Board as they may require and afford to them facilities for the verification of the information furnished in such manner and at such times as they may require."

s. 26 ... For the words "Electricity Commissioners" there shall be substituted the words "Secretary of State", and the words from "or under" to "enactment" shall be omitted.

s. 27 ... In the definition of "large power user" the words "any authorised undertakers or" and in the definition of "ordinary consumer" the words "any authorised undertakers" shall be omitted.

First Schedule. In paragraph 1 for the word "three" there shall be substituted the words "not less than three nor more than seven", for the word "two" there shall be substituted the word "the", and the words from "and one member" to the end of the paragraph shall be omitted; paragraph 4 shall be omitted; in paragraph 5 the words "or the Central Electricity Board as the case may be" where those words occur in the first place, and all the words after "the Secretary of State" shall be omitted; in paragraph 14 the words "or their representatives" and the words "and superannuation allowances and gratuities" shall be omitted, and at the end of the paragraph the following words shall be added "and on the retirement or death of any member in whose case it may be so determined to make such provision there shall be paid such a pension to or in respect of that member as may be so determined".

Second Schedule. After the word "Aberdeen" where that word occurs for the first time there shall be inserted the words "the County of the City of Dundee"; after the word "Aberdeen" where that word occurs for the second time there shall be inserted the word "Angus"; after the word "Kincardine" there shall be inserted the word "Kinross"; after the word "Orkney" there shall be inserted the word "Perth"; the words from "So much", where those words occur for the first time, to "Tannadice" shall be omitted; for the words "Luss and Rosneath" there shall be substituted the words "and Luss"; and the words from "So much", where those words occur for the third time, to "four and a quarter miles" shall be omitted.

4TH SCH.
—cont.

*Section.**Adaptation or Modification.*

Fourth
Schedule.

For paragraph 1 the following paragraph shall be substituted :—

1. The cost of production at each steam generating station operated in the year by the Central Authority shall be ascertained by calculating the following costs, charges and allowances in respect of the year—

(i) the sums expended for fuel, oil, water and stores consumed, for salaries and wages, and any contributions for pensions, superannuation and insurance of officers and servants, for repairs and maintenance and for renewals not chargeable to capital account ;

(ii) sums paid as rents, rates and taxes (other than taxes on profits) and for insurance in respect of the station ;

(iii) the proper proportion of management and general establishment charges attributable to the station ;

(iv) any other expenses on revenue account attributable to the station ;

(v) interest (exclusive of interest payable out of capital) on money properly expended for capital purposes (whether defrayed out of capital or revenue) and attributable to the generating station and the plant suitable to and used for the purpose of generating electricity therein, and interest on working capital properly attributable to the station and the production of electricity therein ;

The rate of interest for the purposes of this paragraph shall be such as the Secretary of State and the Minister of Fuel and Power acting jointly may direct ;

(vi) an allowance for depreciation of such amount as the Secretary of State and the Minister of Fuel and Power acting jointly may determine.

In paragraph 2 for the words from " operating " to the end of the paragraph there shall be substituted the words " operated in Scotland by the Central Authority ".

In paragraph 3 for the words " the Electricity (Allocation of cost of Production) Regulations, 1929," there shall be substituted the words " regulations made by the Minister of Fuel and Power ".

PART III.

4TH SCH.
—cont.

THE SCHEDULE TO THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899.

General Adaptation.

Subject to any specific adaptation or modification, for the words "the Special Order", wherever they occur throughout the Schedule, there shall be substituted the words "this Schedule".

Any words limiting any provision of the Schedule to cases where the local authority are not the undertakers, shall be omitted.

For references to the Board of Trade, wherever they occur throughout the Schedule, except in section eighty, there shall be substituted references to the Minister, and for the words "Board of Trade regulations," wherever they so occur, there shall be substituted the words "Electricity regulations".

Provided that in relation to the North of Scotland District, for the said references to the Board of Trade (except in section ten, subsection (3) of section eighteen, sections thirty-five, thirty-eight, thirty-nine, forty-one, forty-two, forty-seven to fifty-one, fifty-nine and sixty-nine), there shall be substituted references to the Secretary of State.

*Specific Adaptations and Modifications.**Section of
Schedule.**Adaptation or Modification.*

S. 1 ... After the words "Acts incorporated therewith" there shall be inserted the words "and of the Electricity Act, 1947 and, in relation to the North of Scotland District, of the Act of 1943"; in the definition of the expression "main" the words from "which may" to "place and" shall be omitted; in the definition of the expression "consumers' terminals" the words "and belonging to him" shall be omitted; and the definitions of "the Special Order" "area of supply" and "deposited map" shall be omitted; for the definition of "Board of Trade regulations" the following definition shall be substituted:—

"The expression 'Electricity regulations' means any regulations made by the Minister under the Electricity Act, 1947, for securing regularity and efficiency of supply and the safety of the public."

S. 2 ... For this section the following section shall be substituted:—

"2. The expression "Undertakers" means any Electricity Board, except that in sections twenty-one to thirty, thirty-nine to forty-nine, fifty-one to fifty-three, fifty-five and fifty-six, fifty-eight, sixty and eighty-one, the said expression does not include the Central Authority, and the said section eighty-one shall not apply to anything done or omitted to be done by the North of Scotland Board in operating a generating station".

4TH SCH.
—cont.

*Section of
Schedule.*

Adaptation or Modification.

s. 4 ... For this section the following section shall be substituted :—

“ The expression ‘ the area of supply ’ means—

(a) in relation to the Central Authority, the whole of Great Britain except the North of Scotland District ;

(b) in relation to any Area Board, the area for which the Board is for the time being established ; and

(c) in relation to the North of Scotland Board, the North of Scotland District.”

s. 10 ... The words “ public and private ” and “ as defined by the said Act ” shall be omitted ; and paragraph (b) shall not apply to electric lines the construction of which is authorised by a scheme under the Act of 1943, and in the said paragraph (b) for the words from “ without ” to “ also ” there shall be substituted the words “ without the express consent or authorisation of the Minister of Fuel and Power and the express consent of the local authority also ”.

s. 12 ... For this section the following section shall be substituted :—

“ 12. The provisions of this Schedule relating to the execution of works in, under, along, or across any street or part of a street not repairable by the local authority, or over or under, any railway or tramway, shall, in the case of the North of Scotland Board or any Area Board, only apply to streets, railways or tramways (if any), or parts thereof, which the Board are specially authorised to break up by any local enactment applicable to the Board, or to the breaking up of which the Minister has consented under section thirteen of the Electric Lighting Act, 1882, but save as aforesaid nothing in this Schedule shall authorise any such Board to break up or interfere with any such street, railway or tramway without the consent of the authority or person by whom it is repairable ”.

s. 14 ... Subsection (3) shall be omitted.

s. 16 ... The words “ for the purposes of the Special Order ” shall be omitted ; and paragraph (h) shall be omitted.

s. 17 ... Paragraph (j) shall be omitted.

s. 18 ... Subsection (7) shall be omitted

s. 20 ... In subsections (1) and (2) after the words “ electric signalling communication ” there shall be inserted the words “ or electrical control of railways ”.

*Section of
Schedule.**Adaptation or Modification.*4TH SCH.
—cont.

- s. 21 ... Subsection (1) shall be omitted; in subsection (2) the words "In addition to the mains herein-before specified" shall be omitted, for the words "commencement of the Special Order" there shall be substituted the words "vesting date", the word "other" shall be omitted, and after the words "part of a street," there shall be inserted the words "or along any other route"; and in subsection (3) for the words "the Special Order" there shall be substituted the words "a local enactment".
- s. 23 ... In subsection (1) the words from "and if the Board of Trade" to the end of the subsection shall be omitted and subsections (2) and (3) shall be omitted.
- s. 24 ... In subsection (1) there shall be substituted for the words "distributing mains" the words "a distributing main"; after the words "throughout any street or part of a street" there shall be inserted the words "or along any other route"; after the words "along that street or part of a street" there shall be inserted the words "or within reasonable proximity of such route".
- s. 27 ... In subsection (4) for the words "lamp or burner," in both places where they occur, there shall be substituted the words "electrical fittings."
- s. 35 ... In subsection (1) the words from the beginning to "while the local authority are themselves the undertakers," and the words "on the application of any consumer or of the undertakers," shall be omitted and subsection (2) shall be omitted.
- s. 36 ... For subsection (2) there shall be substituted the following subsection:
 "(2) The Minister may prescribe by regulations the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him, and any fees taken by an electric inspector shall be paid by him to the Minister."
- s. 39 ... For the words "under the provisions of an order made" there shall be substituted the words "with the written authority given" and for the words "an order made" there shall be substituted the words "a written authority given".
- s. 41 ... In subsection (1) for the words "the local authority think" there shall be substituted the words "the Minister thinks" and subsections (2) and (3) shall be omitted.

4TH SCH.
—cont.

*Section of
Schedule.*

Adaptation or Modification.

- s. 43 ... Subsection (2) shall be omitted.
- s. 47 ... The words " authority or " shall be omitted in both places where they occur.
- s. 48 ... In subsection (1) the words " by a court of summary jurisdiction, or (where the inspector is appointed by them) " and " if a local authority are the undertakers " shall be omitted; and in subsection (2) the words " the court or " and " by whom the fees are ascertained " shall be omitted.
- s. 49 ... The words " under the Special Order " shall be omitted.
- s. 60 ... In subsection (1) for the words " forthwith after commencing to supply energy under the Special Order " there shall be substituted the words " within a period of twelve months beginning with the vesting date "; and in subsection (2) after the words " area of supply " there shall be inserted the words " or, in the case of the North of Scotland Board, at their offices most convenient to the area of supply "; and at the end of subsection (3) there shall be inserted the following words—
 " Provided that a local authority shall only be entitled to require a copy of so much of any such map as relates to the area of that local authority ".
- s. 62 ... Subsections (1) (2) and (3) shall be omitted.
- s. 69 ... Subsection (3) shall be omitted.
- s. 71 ... The words " or by " shall be omitted.
- s. 76 ... Subsection (2) shall be omitted.
- s. 81 ... After the words " Special Order " there shall be inserted the words " or any local enactment ".
- s. 83 ... Paragraphs (2), (5) and (6) shall be omitted.
- Appendix The like amendments shall be made in section twelve of the Electric Lighting Act, 1882, as set out in the Appendix, as are made in that section by Part I of this Schedule.

FIFTH SCHEDULE.

Section 57.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of repeal.
45 & 46 Vict. c. 56.	The Electric Lighting Act, 1882.	Sections 2 to 11, 19, 20, 29 and 30, and the Schedule.
51 & 52 Vict. c. 12.	The Electric Lighting Act, 1888.	Sections 1 to 3.
53 & 54 Vict. c. 13.	The Electric Lighting (Scotland) Act, 1890.	The whole Act.
62 & 63 Vict. c. 19.	The Electric Lighting (Clauses) Act, 1899.	Sections 1 and 2, except for the definition of the expression "Electric Lighting Acts" and subsection (1) of section 2; in the Schedule to the Act, sections 3, 5 to 9, 31 to 34, 37, 63 to 68, 70, 74, 75, 78 and 82.
2 Edw. 7. c. 35.	The Electric Lighting (Scotland) Act, 1902.	The whole Act.
9 Edw. 7. c. 34.	The Electric Lighting Act, 1909.	Sections 1, 3 to 9, 12 to 14, 20, 24, and Schedule 1.
9 & 10 Geo. 5. c. 100.	The Electricity (Supply) Act, 1919.	Sections 5 to 9, 12, 13, 16 to 20, 23, 24, 26 to 28, 30, 32, 35, and the Schedule.
12 & 13 Geo. 5. c. 46.	The Electricity (Supply) Act, 1922.	Sections 1 to 10, 12 to 22, 24, 26 to 30, and the Schedule.
15 & 16 Geo. 5. c. 44.	The Statutory Gas Companies (Electricity Supply Powers) Act, 1925.	The whole Act.
16 & 17 Geo. 5. c. 51.	The Electricity (Supply) Act, 1926.	Sections 1 to 23, 25 to 32, 36 to 42, 46 to 49, Schedules 1 to 4, and Schedules 5 and 6 so far as they amend sections repealed by this Act, and Schedule 2.
19 & 20 Geo. 5. c. 4.	The Electricity (Supply) Act, 1928.	The whole Act.
23 & 24 Geo. 5. c. 46.	The Electricity (Supply) Act, 1933.	The whole Act.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In section two hundred and eighteen paragraph (a) of the definition of "sanctioning authority".

5TH SCH.

—cont.

Session and Chapter.	Short title.	Extent of repeal.
25 & 26 Geo. 5. c. 3.	The Electricity (Supply) Act, 1935.	The whole Act.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	Section 42 and Schedule 1.
6 & 7 Geo. 6. c. 32.	The Hydro - Electric Development (Scotland) Act, 1943.	Section 4, section 6 (except as regards schemes already approved thereunder); sections 19 to 21; and Schedule 5.
8 & 9 Geo. 6. c. 34.	The Hydro - Electric Undertakings (Valuation for Rating) (Scotland) Act, 1945.	Section 5.

CHAPTER 55.

An Act to extend the purposes of the Supplies and Services (Transitional Powers) Act, 1945.

[13th August 1947.]

WHEREAS under the Supplies and Services (Transitional Powers) Act, 1945, Defence Regulations appearing to His Majesty to be necessary or expedient for the purposes mentioned in subsection (1) of section one of that Act (being purposes connected mainly with the orderly transition from war to peace, the maintenance of a sufficiency of supplies essential to the well-being of the community and the allocation of available supplies and services during the transition) were continued in force by virtue of that Act:

And whereas, by reason of the war and the dislocation of trade consequent thereon, supplies and services available are, or are likely shortly to become, insufficient for meeting the essential needs of the community, and it has become necessary that the use of the powers conferred by those Regulations should be directed more particularly to increasing production and redressing the balance of trade:

Now, therefore, be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The Regulations which at the date of the passing of this Act have effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (hereafter in this Act referred to as "the Act of 1945"), and any orders or other instruments in force thereunder, shall, in so far as their operation is limited, expressly or by implication, to the purposes mentioned in subsection (1) of section one of that Act, be extended so as to be applicable for the following additional purposes; that is to say :—

Extension of powers under 9 & 10 Geo. 6. c. 10.

- (a) for promoting the productivity of industry, commerce and agriculture ;
- (b) for fostering and directing exports and reducing imports, or imports of any classes, from all or any countries and for redressing the balance of trade ; and
- (c) generally for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community ;

and accordingly any references in the said Regulations, orders and other instruments to the purposes mentioned in subsection (1) of section one of that Act shall be construed as including references to the purposes aforesaid :

Provided that nothing in this Act shall be held to authorise the suppression or suspension of any newspaper, periodical, book or other publication.

(2) In section three of the Act of 1945 (which confers powers to revoke and vary Regulations having effect by virtue of that Act) references to the purposes specified in subsection (1) of section one of that Act shall be construed as including references to the purposes specified in the preceding subsection.

(3) In paragraph (d) of subsection (2) of section one of the Emergency Powers (Defence) Act, 1939, as applied by section five of the Act of 1945 to Regulations having effect by virtue of that Act, and in subsection (4) of that section as so applied, the expression "enactment" shall mean any enactment passed before the commencement of this Act, other than the Act of 1945 and the provisions of the Emergency Powers (Defence) Acts, 1939 and 1940, applied by section five of the Act of 1945.

2 & 3 Geo. 6. c. 62.

(4) His Majesty may by Order in Council direct that the preceding provisions of this section shall apply, with such

exceptions, adaptations, and modifications, if any, as may be specified in the Order, in relation to—

(a) any Regulation having effect by virtue of the Act of 1945 in or in respect of any of the countries or territories specified in section four of the Emergency Powers (Defence) Act, 1939, and any orders or other instruments made thereunder; and

(b) any power to vary such Regulations.

Short title.

2. This Act may be cited as the Supplies and Services (Extended Purposes) Act, 1947.



11 GEO. 6.

CHAPTER 1.

An Act to continue certain expiring laws.

[10th December 1947.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and forty-seven, and
- (b) as respects that mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and forty-eight :
- (c) as respects that mentioned in Part III of the said Schedule, on the thirtieth day of June, nineteen hundred and forty-eight :

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The Acts mentioned in Parts I and III of the Schedule to this Act shall, to the extent specified in column three of those Parts, be continued until the thirty-first day of December, nineteen hundred and forty-eight.

(2) The Act mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of March, nineteen hundred and forty-nine.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1947.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but, save, as hereinbefore provided, shall not apply to Northern Ireland.

Short title and
application to
Northern
Ireland.

Section 1.

SCHEDULE.**PART I.**

1.	2.	3.	4.
Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
(1) 4 Edw. 7. c. 24.	The Wireless Tele- graphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.
(2) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one -	—
(3) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two -	—
(4) 24 & 25 Geo. 5. c. 30.	The Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.	Sections one and two.	—
(5) 24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	Section one -	1 Edw. 8. & 1 Geo. 6. c. 5.
(6) 2 & 3 Geo. 6. c. 50.	The Prevention of Violence (Temporary Provisions) Act, 1939.	The whole Act -	—
(7) 6 & 7 Geo. 6. c. 44.	Rent of Furnished Houses Control (Scotland) Act, 1943.	The whole Act -	9 & 10 Geo. 6. c. 26.
(8) 9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act, 1946.	The whole Act -	—

PART II.

1.	2.	3.	4.
Session and Chapter.	Short Title.	How far Continued.	Amending Acts.
(9) 24 & 25 Geo. 5. c. 31.	The Debts Clearing Offices and Im- port Restrictions Act, 1934.	The whole Act -	—

PART III.

(10) 1 & 2 Geo. 6. c. 12.	The Population (Statistics) Act, 1938.	The whole Act -	1 & 2 Geo. 6. c. 55.
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## CHAPTER 2.

An Act to authorise the payment out of the Consolidated Fund to the States of Jersey and Guernsey of amounts equal to sums received in respect of Crown revenues accruing in those islands. [10th December 1947.]

**BE** it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. There shall be issued out of the Consolidated Fund or the Payments out growing produce thereof at such times as the Treasury may direct and shall be paid to the States of Jersey or the States of Guernsey sums equal to any sums paid into the Exchequer Fund to Jersey and Guernsey. on or after the first day of April, nineteen hundred and forty-seven, on account of hereditary revenues of the Crown which have accrued in the island of Jersey or the island of Guernsey, as the case may be.

The reference in this section to the island of Guernsey includes a reference to the island of Jethou.

2. This Act may be cited as the Jersey and Guernsey Short title. (Financial Provisions) Act, 1947.

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CHAPTER 3.

An Act to provide for the independence of Burma as a country not within His Majesty's dominions and not entitled to His Majesty's protection, and for consequential and connected matters.

[10th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Independence
of Burma.

1.—(1) On the appointed day, Burma shall become an independent country, neither forming part of His Majesty's dominions nor entitled to His Majesty's protection.

(2) In this Act, the expression "the appointed day" means the fourth day of January, nineteen hundred and forty-eight.

(3) The suzerainty of His Majesty over the part of Burma known as the Karenni States shall lapse as from the appointed day, and with it all treaties and agreements in force between His Majesty and the rulers of the Karenni States, all functions exercisable by His Majesty with respect to the Karenni States, all obligations of His Majesty towards the Karenni States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty in or in relation to the Karenni States by treaty, grant, usage, sufferance or otherwise.

Certain
persons to
cease to be
British
subjects.

2.—(1) Subject to the provisions of this section, the persons specified in the First Schedule to this Act, being British subjects immediately before the appointed day, shall on that day cease to be British subjects:

Provided that a woman who immediately before the appointed day is the wife of a British subject shall not cease by virtue of this subsection to be a British subject unless her husband ceases by virtue of this subsection to be a British subject.

(2) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day and is immediately before that day domiciled or ordinarily resident in either—

- (a) any part of the United Kingdom;
- (b) any of the Channel Islands;
- (c) the Isle of Man;
- (d) Newfoundland;
- (e) any colony;

- (f) any territory in respect of which a mandate from the League of Nations was accepted by His Majesty, being a territory under the sole administration of His Majesty's Government in the United Kingdom ;
- (g) any territory administered under the trusteeship system of the United Nations, being a territory under the sole administration of His Majesty's Government in the United Kingdom ;
- (h) any British protectorate ;
- (i) any British protected state outside Burma ; or
- (k) any other place outside Burma in which, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty has jurisdiction over British subjects,

may, by a declaration made before the expiration of the two years beginning with the appointed day to such person and in such manner as may be prescribed, elect to remain a British subject, and if he so elects, the provisions of subsection (1) of this section (including the proviso thereto) shall be deemed never to have applied to or in relation to him or, except so far as the declaration otherwise provides, any child of his who is under the age of eighteen years at the date of the declaration :

Provided that a declaration under this subsection shall be of no effect unless it is registered in the prescribed manner in pursuance of an application made within, or within the prescribed period after the expiration of, the said two years.

In this subsection, the expression "prescribed" means prescribed by regulations of the Secretary of State or of such Government, authority or person as may be authorised in that behalf by the Secretary of State, and different provision may be made under this subsection for different classes of cases.

(3) A person who by virtue of subsection (1) of this section ceases to be a British subject on the appointed day, not being such a person as is mentioned in subsection (2) of this section, shall, if on that day he neither becomes, nor becomes qualified to become, a citizen of the independent country of Burma for which provision is made by section one of this Act, have the like right of election as is provided for by subsection (2) of this section, and the said subsection (2) shall have effect accordingly.

(4) If provision is made by the law of any part of His Majesty's dominions not mentioned in subsection (2) of this section for the exercise by any persons, being persons domiciled or ordinarily resident in that part of His Majesty's dominions or in any territory administered by the Government thereof, of a right to elect not to cease to be British subjects on the appointed day by reason of Burma becoming an independent country on that day, then, so far as is necessary to give effect under the law of the United Kingdom to the results flowing under the law of that part of His Majesty's dominions from the

exercise of the right of election, the provisions of subsection (1) of this section shall be deemed never to have applied to or in relation to, or to or in relation to the children of, the persons who duly exercise that right.

(5) Save as provided in this section, no person who is a British subject immediately before the appointed day shall cease to be a British subject by reason of Burma ceasing on that day to be part of His Majesty's dominions.

(6) The exercise by a person of any such right of election as is referred to, in subsection (2), subsection (3) and subsection (4) of this section shall not render unlawful anything done before the date of the election which would have been lawful if the election had not been made.

Temporary
continuation
of customs
preferences.

3.—(1) Notwithstanding any of the provisions of this Act, the enactments relating to customs (including the enactments relating to customs in the Isle of Man) shall, on and after the appointed day, have effect, until such date as may be specified by His Majesty by Order in Council, as if Burma were part of His Majesty's dominions :

Provided that His Majesty may by Order in Council direct that, as from a specified date, all goods or goods of specified classes or descriptions shall be charged under the said enactments either as if the preceding provisions of this section had not passed or at such rates as may be specified in the Order, not being rates higher than would have been chargeable if the said provisions had not passed.

(2) Any Order in Council made under this section may be revoked or varied by a subsequent Order in Council made thereunder.

(3) Any Order in Council made under this section shall be laid before both Houses of Parliament after it is made and if, within a period of forty days beginning with the day on which any such Order is so laid before it, either House of Parliament presents an Address to His Majesty praying that the Order may be revoked, His Majesty may revoke the Order accordingly, but without prejudice to the making of a new Order.

(4) In reckoning the said period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(5) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules) shall not apply to any Order in Council made under this section.

56 & 57
Vict. c. 66.

Legal
proceedings.

4.—(1) Any appeal to His Majesty in Council from any court in Burma which is pending on the appointed day shall abate on that day.

(2) No proceedings shall be brought in any court on or after the appointed day against the Secretary of State in any such case as is mentioned in section one hundred and thirty-three of the Government of Burma Act, 1935, and any proceedings brought by or against the Secretary of State by virtue of that section which are pending immediately before the appointed day shall abate on that day so far as the Secretary of State is concerned. 26 Geo. 5. &
1 Edw. 8. c. 3.

(3) Nothing in this Act shall affect the jurisdiction of the High Court in England or the Court of Session in Scotland under the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, as respects decrees or orders made in Burma which, before the appointed day, have been registered in those Courts respectively under those Acts :

Provided that—

(a) notwithstanding anything in those Acts, the said Courts may entertain applications for the modification or discharge of orders notwithstanding that the person on whose petition the decree for dissolution was pronounced is resident in Burma ; and

(b) no regard shall be had to any order made in Burma on or after the appointed day modifying or discharging any decree or order made before the appointed day.

5.—(1) This Act may be cited as the Burma Independence Act, 1947. Short title,
interpretation,
repeals and
construction
of existing
Orders in
Council and
other
instruments.

(2) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent Act or by an order or other instrument made under any subsequent Act, including, without prejudice to the generality of the preceding words, the Government of India (Adaptation of Acts of Parliament) Order, 1937, and any subsequent Orders in Council made under subsection (5) of section three hundred and eleven of the Government of India Act, 1935. 26 Geo. 5. &
1 Edw. 8. c. 2.

(3) The enactments specified in the Second Schedule to this Act are hereby repealed as from the appointed day to the extent specified in that Schedule :

Provided that if, by the law of Burma, any such enactment is continued on or after the appointed day as part of the law of Burma, nothing in this repeal shall be taken to prevent the recognition outside Burma of that enactment as part of the law of Burma.

(4) It is hereby declared that references (however worded) to Burma or British Burma in Orders in Council and other instruments made before the passing of this Act under any enactments not repealed by this Act do not include references to, or to any part of, the independent country of Burma for which provisions made by section one of this Act, but nothing in this subsection shall be construed as affecting any power to make a new Order in Council or other instrument under any such enactment in relation to the said independent country.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

PERSONS WHO CEASE TO BE BRITISH SUBJECTS.

1. The persons who, being British subjects immediately before the appointed day, are, subject to the provisions of section two of this Act, to cease on that day to be British subjects are the following persons, that is to say—

- (a) persons who were born in Burma or whose father or paternal grandfather was born in Burma, not being persons excepted by paragraph 2 of this Schedule from the operation of this sub-paragraph; and
- (b) women who were aliens at birth and became British subjects by reason only of their marriage to any such person as is specified in sub-paragraph (a) of this paragraph.

2.—(1) A person shall be deemed to be excepted from the operation of sub-paragraph (a) of paragraph 1 of this Schedule if he or his father or his paternal grandfather was born outside Burma in a place which, at the time of the birth,—

- (a) was within His Majesty's dominions, was a British protectorate, was a British protected state, was a territory in respect of which a mandate from the League of Nations had been accepted by His Majesty and which was under the administration of the Government of any part of His Majesty's dominions or was a territory under the trusteeship system of the United Nations which was under the administration of the Government of any part of His Majesty's dominions; or
- (b) was a place where, by treaty, capitulation, grant, usage, sufferance or other lawful means, His Majesty had jurisdiction over British subjects:

Provided that a person shall not be excepted under this sub-paragraph from the operation of the said sub-paragraph (a) by virtue of the place of birth of his father or paternal grandfather unless his father or, as the case may be, his paternal grandfather, was at some time before the appointed day a British subject.

(2) A person shall also be deemed to be excepted from the operation of the said sub-paragraph (a) if he or his father or his paternal grandfather became a British subject by naturalisation or by annexation of any territory which is outside Burma.

(3) Where, in pursuance of the British Nationality and Status of Aliens Act, 1914, the name of a child has been included in a certificate of naturalisation granted to his parent, or where, in pursuance of any Act repealed by that Act, any child has been deemed to be a naturalised British subject by reason of residence with his parent, that child shall, for the purposes of this paragraph, be deemed to have become a British subject by naturalisation.

3. For the purposes of this Schedule, a person born in a ship, other than an unregistered ship, shall be deemed to have been born in the country in which the ship was registered.

4. In this Schedule the expression "Burma" means the territories which, immediately before the appointed day, were included in Burma.

SECOND SCHEDULE.

Section 3.

PART I.

MISCELLANEOUS REPEALS

Session and Chapter	Short title	Extent of Repeal
22 Vict. c. 20.	The Evidence by Commission Act, 1859.	In subsection (2) of section five the words "and, as respects Burma, the High Court at Rangoon".
23 & 24 Vict. c. 88.	The Admiralty Jurisdiction (India) Act, 1860.	In section one the words "and British Burma".
28 & 29 Vict. c. 63.	The Colonial Laws Validity Act, 1865.	In section one the words "and British Burma".
29 & 30 Vict. c. 109.	The Naval Discipline Act, 1866.	In subsection (1) of section ninety B. the words "or of Burma" wherever those words occur.
32 & 33 Vict. c. 10.	The Colonial Prisoners Removal Act, 1869.	In section two the words "or British Burma".
33 & 34 Vict. c. 52.	The Extradition Act, 1870.	In section twenty-three the words "or, as the case may be, of the Governor of Burma" and the words "or with Burma".
37 & 38 Vict. c. 27.	The Courts (Colonial) Jurisdiction Act, 1874.	In section two the words "or British Burma" and in section two A the words "and to British Burma".
39 & 40 Vict. c. 46.	The Slave Trade Act, 1876.	In section three, the words "British Burma" and section three A.
40 & 41 Vict. c. 23.	The Colonial Fortification Act, 1877.	In section three, the words "or British Burma".
40 & 41 Vict. c. 59.	The Colonial Stock Act, 1877.	In section twenty-six, the words "or British Burma".
47 & 48 Vict. c. 31.	The Colonial Prisoners Removal Act, 1884.	Section fourteen B.
48 & 49 Vict. c. 74.	The Evidence by Commission Act, 1885.	In sections two and three, the word "Burma".
52 & 53 Vict. c. 63.	The Interpretation Act, 1889.	In subsection (3) of section eighteen the words "and of British Burma"; and in subsection (2) of section eighteen A, the words, "or the Government of Burma Act, 1935".
53 & 54 Vict. c. 27.	The Colonial Courts of Admiralty Act, 1890.	In section four the words "or Burma laws" and in proviso (a) to subsection (2) of section nine, the words "or in Burma".
53 & 54 Vict. c. 37.	The Foreign Jurisdiction Act, 1890.	In section fifteen, the words "and natives of any part of Burma which is not part of British Burma".

2ND SCH.
—cont.

Session and Chapter	Short title	Extent of Repeal
55 & 56 Vict. c. 40.	The Superannuation Act, 1892.	In subsection (3) of section one and in section four the words "or of Burma".
56 & 57 Vict. c. 5.	The Regimental Debts Act, 1893.	In section sixteen, the words "or Burma"; in section twenty-five the words "and to Burma" and the words "or to any native of Burma within the meaning of Burma military law"; in section twenty-six, the words "or Burma", the words "or of the general officer commanding the forces in Burma" and the words "or, as the case may be, the Governor of Burma"; in section twenty-nine in the definition of representation, the word "Burma" in both places where it occurs, and in the definition of "official administrator" the words, "and in Burma the administrator - general of Burma".
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	In section one hundred and twenty-five, in subsection (1), the words "or Burma" and the words "or British Burma", in subsection (2), the words "or the Governor of Burma, according as the agreement is made in India or Burma", and in subsection (4) the words "or Burma" wherever those words occur; in section one hundred and eighty-five, in subsection (1) the words "or Burma", in subsection (2) the words "or of Burma", in subsection (3) the words, "or, as the case may be, of Burma", and in subsection (4) the words, "or Burma"; in section two hundred and seventy, the words "British Burma"; and section three hundred and sixty-eight A.
8 Edw. 7. c. 51.	The Appellate Jurisdiction Act, 1908.	In subsection (1) of section two the words "or the High Court at Rangoon", and in the Schedule the words, "British Burma".
1 & 2 Geo. 5. c. 24.	The Pensions (Governors of Dominions, etc.) Act, 1911.	In subsection (1) of section twelve the words, "and of British Burma".

AND SCH.
—cont

Session and Chapter	Short title	Extent of Repeal
1 & 5 Geo. 5. c. 17.	The British Nationality and Status of Aliens Act, 1914.	In the proviso to subsection (1) of section eight the words, "British Burma".
1 & 6 Geo. 5. c. 57.	The Prize Courts Act, 1915.	In section four the words, "or, as respects any prize court in Burma, except on the application of the Governor of Burma".
10 & 11 Geo. 5. c. 75.	The Official Secrets Act, 1920.	In proviso (a) to subsection (1) of section eleven, the words "and Burma".
2 & 13 Geo. 5. c. 21.	The Treaties of Washington Act, 1922.	In subsection (1) of section five, the word "Burma".
3 & 14 Geo. 5. c. 14.	The Finance Act, 1923.	In section nineteen, in subsection (2) the words "or British Burma" and in subsection (4) the word "Burma".
15 & 16 Geo. 5. c. 42.	The Merchant Shipping (International Labour Conventions) Act, 1925.	Subsection (2) of section five.
16 & 17 Geo. 5. c. 40.	The Indian and Colonial Divorce Jurisdiction Act, 1926.	In subsection (5) of section one, the words "and Burma"; and sections one A and one B.
17 & 18 Geo. 5. c. 40.	The Indian Church Act, 1927.	The whole Act in so far as it relates to Burma.
18 & 19 Geo. 5. c. 35.	The Easter Act, 1928 ...	In Part I of the Schedule, the words "British Burma".
19 & 20 Geo. 5. c. 8.	The Appellate Jurisdiction Act, 1929.	In section one, in subsection (2), the words "or the High Court at Rangoon" and the words "or British Burma" and in subsection (5), the words "or the revenues of Burma".
22 & 23 Geo. 5. c. 8.	The Import Duties Act, 1932.	In subsection (1) of section four the words "This section shall apply also to Burma as respects goods imported after the thirty-first day of March, nineteen hundred and forty-eight"; and in subsection (1) of section twenty-one, the words "and Burma".
22 & 23 Geo. 5. c. 16.	The Isle of Man Customs Act, 1932.	In subsection (1) of section two, the words "This section shall apply also to Burma as respects goods imported after the thirty-first day of March, nineteen hundred and forty-eight"; and in paragraph (b) of section eleven, the words "and Burma".
23 & 24 Geo. 5. c. 19.	The Finance Act, 1933	In sub-paragraph (d) of paragraph 2 of the Fifth Schedule, the word "Burma".

AND SCH.
—cont.

Session and Chapter	Short title	Extent of Repeal
23 & 24 Geo. 5. c. 40.	The Isle of Man Customs Act, 1933.	In sub-paragraph (d) of paragraph 2 of the Fourth Schedule, the word "Burma".
24 & 25 Geo. 5. c. 49.	The Whaling Industry (Regulation) Act, 1934.	In subsection (1) of section seventeen, the words "or Burma".
25 & 26 Geo. 5. c. 8.	The Unemployment Insurance Act, 1935.	In paragraph (d) of subsection (10) of section ninety-six, the words "Burma forces".
26 Geo. 5. and 1 Edw. 8. c. 2.	The Government of India Act, 1935.	Subsection (7) of section one hundred and seventy and subsection (4) of section three hundred and eleven.
26 Geo. 5. and 1 Edw. 8. c. 3.	The Government of Burma Act, 1935.	The whole Act.
26 Geo. 5. and 1 Edw. 8. c. 32.	The National Health Insurance Act, 1936.	In subsection (1) of section one hundred and twenty-nine, the words "of His Majesty's Burma Forces".
26 Geo. 5. and 1 Edw. 8. c. 34.	The Finance Act, 1936.	In subsection (2) of section twenty-eight, the words "or the Governor of Burma" and the words "or Governor".
1 Edw. 8 and 1 Geo. 6. c. 9.	The India and Burma (Existing Laws) Act, 1937.	Subsection (2) of section one.
2 & 3 Geo. 6. c. 62.	The Emergency Powers (Defence) Act, 1939.	In section three, in paragraph (b) of subsection (1) and in subsection (2), the word "Burma"; and in section five, in subsection (2), the words "or by the Legislature of Burma", the words "or Burma" in both places where they occur, and the words "or section thirty-three of the Government of Burma Act, 1935".
2 & 3 Geo. 6. c. 65.	The Prize Act, 1939 ...	In subsection (1) of section four, the words "and British Burma".
2 & 3 Geo. 6. c. 70.	The Ships and Aircraft (Transfer Restriction) Act, 1939.	In section four, in subsection (1), the words "or Burma" and in subsection (2), the word "Burma"; and in section ten, the word "Burma".
3 & 4 Geo. 6. c. 5.	The India and Burma (Miscellaneous Amendments) Act, 1940.	Sections thirteen to sixteen; in section seventeen, the words "or the Government of Burma Act, 1935" in both places where they occur; and Part II of the Schedule.

AND SCH.
—cont.

Session and Chapter	Short title	Extent of Repeal
3 & 4 Geo. 6. c. 35.	The Indian and Colonial Divorce Jurisdiction Act, 1940.	In section five, the words "(a) to Burma".
5 & 6 Geo. 6. c. 30.	The National Service (Foreign Countries) Act, 1942.	In subsection (1) of section one, the word "Burma".
5 & 6 Geo. 6. c. 39.	The India and Burma (Temporary and Miscellaneous Provisions) Act, 1942.	Section five and in section seven, the words "and, as respects Burma, be construed as one with the Government of Burma Act, 1935"
7 & 8 Geo. 6. c. 7.	The Prize Salvage Act, 1944.	In subsection (1) of section two, the words "and British Burma".
8 & 9 Geo. 6. c. 30.	The Government of Burma (Temporary Provisions) Act, 1945.	The whole Act.
9 & 10 Geo. 6. c. 45.	The United Nations Act, 1946.	In subsection (2) of section one, the words "British Burma" and the words "or Burma".
9 & 10 Geo. 6. c. 57.	The Burma Legislature Act, 1946.	The whole Act.

PART II.

REPEALS IN ARMY ACT APPLICABLE ALSO TO AIR FORCE ACT.

Section.	Extent of Repeal.
Thirteen The word "Burma".
Fifty-four Subsection (8); and in subsection (9), the words "in Burma, by the Governor of Burma, or, if he has been tried".
Fifty-nine The word "Burma" in both places where it occurs.
Sixty The words "or Burma" in both places where they occur.
Sixty-four In subsection (4), the word "Burma" in the first three places where it occurs and the words "the Governor of Burma".
Sixty-eight The word "Burma" wherever it occurs.
Ninety-four The word "Burma" where it first occurs, and the words "In Burma, any person duly authorised in that behalf by the Governor of Burma; and".
One hundred and twenty-two In subsection (6), the words "the Governor of Burma".

2ND SCH.
—cont.

<i>Section.</i>	<i>Extent of Repeal.</i>
One hundred and thirty	... In subsection (5), the words "and, in the case of a person confined in Burma, the Governor of Burma", and the word "Burma" in the last two places where it occurs.
One hundred and thirty-two	... The words "and in Burma for the Governor" in both places where they occur, the words "or Governor" and the words "and the Governor of Burma".
One hundred and thirty-four	... The words "or Burma" in both places where they occur.
One hundred and thirty-five	... The words "the Governor of Burma" in both places where they occur and the word "Burma" in the second place where it occurs.
One hundred and thirty-six	... In subsection (1), the words "or by any law for the time being in force in Burma".
One hundred and thirty-seven	... In paragraph (4) the words "or, in the case of officers serving in Burma, the Governor", and the whole of the proviso.
One hundred and forty-three	... In subsection (1), the word "Burma".
One hundred and fifty-four	... In paragraph (5) the words "or Burma" and in paragraph (7) the word "Burma".
One hundred and fifty-six	... In subsection (8) the words "or the Governor of Burma" and the word "Governor" in the last place where it occurs.
One hundred and sixty-two	... In subsection (3), the words "or Burma".
One hundred and sixty-three	... The words "and, if in Burma, by some office under the Governor of Burma" and the words "or Burma".
One hundred and sixty-eight	... The word "Burma".
One hundred and sixty-nine	... The words "and the Governor of Burma" and the word "Governor" in the last place where it occurs.
One hundred and seventy	... In subsection (3) the words "or Burma" and the word "Burma" in the last place where it occurs.
One hundred and seventy-seven	... The word "Burma" wherever that word occurs.
One hundred and eighty-one	... The word "Burma".

PART III.

2ND SCH.
—cont.

REPEALS IN ARMY ACT.

Section.

Extent of Repeal.

One hundred and seventy-five ... In paragraph (4) the words " and Burma "; in paragraph (7) the words " or of the Governor of Burma ", the words " or Burma " and the words " or, as the case may be, to Burma military law, but in either case "; in paragraph (9) the words " or the Army in Burma reserve of officers "; in paragraph (11) the word " Burma "; and in paragraph (12) the words " Burma or " in both places where they occur.

One hundred and seventy-six ... In paragraph (3) the words " and Burma "; in paragraph (8A) the word " Burma "; in paragraph (10) the words " or consisting partly of His Majesty's Burma forces subject to Burma military law ", the words " or, as the case may be, natives of Burma " and the words " or as the case may be, to Burma military law "; and in paragraph (11) the words " Burma or " in both places where they occur.

One hundred and eighty ... Subsection (1); in subsection (2) the words " and His Majesty's Burma forces ", the words " and the Burma forces respectively ", the words " or the Burma military law respecting officers or soldiers belonging to or followers in the Burma forces, being natives of Burma ", the words " or, as the case may be, the Burma military law ", the words " or as the case may be, Burma military law ", the words " or to the Burma forces, and the Governor of Burma may suspend the proceedings of any court martial held in Burma on any such officer or soldier ", the words " and the Governor of Burma in

2ND SCH.

—cont.—

Section.

Extent of Repeal.

One hundred and eighty—*contd.*

the case of the Burma forces", the words "or the Burma forces" in both places where they occur, the words "or Burma", and the words "or the Governor of Burma"; and in subsection (3), the words "or Burma".

One hundred and ninety

... In paragraph (8) the words "and His Majesty's Burma forces"; paragraph (21A); in paragraph (22) the words "and 'native of Burma'", the word "respectively", and the words "or Burma military law"; in paragraph (23A) the words "of British Burma"; in paragraph (24) the words "or Burma"; in paragraph (33) the words "or Burma"; and in paragraph (35) the word "Burma".

PART IV.

REPEALS IN AIR FORCE ACT.

Section.

Extent of Repeal.

One hundred and seventy-five

... In paragraph (4) the words "or Burma"; in paragraph (7) the words "or of the Governor of Burma"; in paragraph (11A), the words "or Burma", the words "or, as the case may be, outside Burma", and the words "or, as the case may be, by the Air Council and the Governor of Burma"; and in paragraph (12) the words "Burma or" in both places where they occur.

One hundred and seventy-six

... In paragraph (3) the words "and Burma"; in paragraph (8a) the words "or Burma", the words "or, as the case may be, outside Burma" and the words "or, as the case may be, by the Air Council and the Governor of Burma"; and in paragraph (11) the words "Burma or" in both places where they occur.

One hundred and seventy-nine D. The whole section.

Section.

Extent of Repeal.

2ND SCH.

—cont.

One hundred and eighty... Subsection (1); and in subsection (3) the words "or Burma".

One hundred and eighty-four B... The whole section.

One hundred and ninety... In subsections (4), (5) and (5A) the words "or Burma"; paragraph (21A); in paragraph (23A) the words "of British Burma"; in paragraph (24) the words "or Burma"; in paragraph (33) the words "or Burma"; and in paragraph (35) the word "Burma".

CHAPTER 4.

An Act to provide for the amendment of the Constitution of New Zealand. [10th December 1947.]

WHEREAS provision for the Constitution of New Zealand was made by the New Zealand Constitution Act, 1852, ^{15 & 16 Vict. c. 72.} and the power to amend that Act conferred on the Parliament of New Zealand by the New Zealand Constitution (Amendment) Act, 1857, was subject to certain restrictions therein specified: ^{20 & 21 Vict. c. 53.}

And whereas on the twenty-fifth day of November, nineteen hundred and forty-seven, the Parliament of New Zealand by an Act intituled the Statute of Westminster Adoption Act, 1947, adopted sections two, three, four, five and six of the Statute of Westminster, 1931: ^{22 & 23 Geo. 5. c. 4.}

And whereas it is provided by section eight of the said Statute of Westminster, 1931, that nothing in that Act shall be deemed to confer any power to repeal or alter the Constitution Act of New Zealand otherwise than in accordance with the law existing before the commencement of the said Statute:

And whereas New Zealand has requested and consented to the enactment of this Act:

Now therefore be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for the Parliament of New Zealand by any Act or Acts of that Parliament to alter, suspend, or repeal, at any time, all or any of the provisions of the New Zealand Constitution Act, 1852; and the New Zealand Constitution (Amendment) Act, 1857, ~~is hereby repealed.~~ ^{Power of New Zealand Parliament to alter, suspend or repeal. 15 & 16 Vict. c. 72.}

2. This Act may be cited as the New Zealand Constitution (Amendment) Act, 1947. ^{Short title.}

CHAPTER 5.

An Act to provide for the salary of an Economic Secretary to the Treasury, and to render the holder of that office capable of being elected to, and of sitting and voting in, the House of Commons. [10th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendments of 1 Edw. 8. & 1 Geo. 6. c. 38. 1. The Ministers of the Crown Act, 1937, shall have effect subject to the following amendments, that is to say—

- (a) in paragraph (a) of subsection (2) of section one (which subsection specifies the salaries payable to the Parliamentary Under-Secretaries to the Departments of State), for the words " in the case of the Financial Secretary to the Treasury " there shall be substituted the words " in the case of the Economic Secretary to the Treasury and in the case of the Financial Secretary to the Treasury " ;
- (b) in paragraph (a) of subsection (2) of section two (which subsection limits the number of Parliamentary Under-Secretaries to the Departments of State to whom salaries may be paid under that Act), for the words " in the case of the Treasury . . . two " there shall be substituted the words " in the case of the Treasury . . . three " ; and
- (c) in section ten, in the definition of " Parliamentary Under-Secretary ", for the words " the Financial Secretary to the Treasury " there shall be substituted the words " the Economic Secretary to the Treasury and the Financial Secretary to the Treasury ".

Short title. 2. This Act may be cited as the *Ministers of the Crown (Treasury Secretaries) Act, 1947.*



CHAPTER 6.

An Act to increase the sums available for defraying expenses incurred by the Minister of Works under section one of the Housing (Temporary Accommodation) Act, 1944. [10th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The limit upon the sums which the Treasury may issue out of the Consolidated Fund of the United Kingdom for the purpose of defraying expenses incurred by the Minister of Works in connection with the manufacture, construction or erection of structures under arrangements made with him by the Minister of Health or the Secretary of State under section one of the Housing (Temporary Accommodation) Act, 1944, shall be increased by twenty million pounds; and accordingly in subsection (1) of section eight of that Act, as amended by section five of the Building Materials and Housing Act, 1945, for the words "two hundred million pounds" there shall be substituted the words "two hundred and twenty million pounds".

Increase of sums available for defraying expenses of Minister of Works under s. 1 of Housing (Temporary Accommodation) Act, 1944. 7 & 8 Geo. 6. c. 36. 9 & 10 Geo. 6. c. 20.

2.—(1) This Act may be cited as the Housing (Temporary Accommodation) Act, 1947.

Short title and extent.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 7.

An Act to make provision for, and in connection with, the attainment by Ceylon of fully responsible status within the British Commonwealth of Nations. [10th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Ceylon as part of the law of Ceylon, unless it is expressly declared in that Act that Ceylon has requested, and consented to, the enactment thereof.

Provision for the fully responsible status of Ceylon.

(2) As from the appointed day His Majesty's Government in the United Kingdom shall have no responsibility for the government of Ceylon.

(3) As from the appointed day the provisions of the First Schedule to this Act shall have effect with respect to the legislative powers of Ceylon.

Amendment of
Army and Air
Force Acts.

2. As from the appointed day Ceylon shall be included in the definition of "Dominion" in paragraph (23) of section one hundred and ninety of the Army Act and of the Air Force Act (which section, in each Act, relates generally to the interpretation of the Act), and accordingly in the said paragraph (23), in each Act, for the words "and Newfoundland" there shall be substituted the words "Newfoundland and Ceylon".

Divorce
jurisdiction.

3.—(1) No court in Ceylon shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or of Ceylon, all courts in Ceylon shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

16 & 17 Geo. 5.
c. 40.

(2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in Ceylon shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of Ceylon, and so much of the said subsection and of any rules in force thereunder immediately before the appointed day as requires the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

1 Edw. 8. &
1 Geo. 6.

c. 57.
Consequential
amendments
not affecting
the law of
Ceylon.

(3) The references in subsection (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

4.—(1) As from the appointed day, the Acts and Regulations referred to in the Second Schedule to this Act shall have effect subject to the amendments made by that Schedule, and His Majesty may by Order in Council make such further adaptations in any Act of the Parliament of the United Kingdom of an earlier session than this Act, or in any instrument having effect

under any such Act, as appear to him necessary in consequence of section one of this Act :

Provided that this subsection shall not extend to Ceylon as part of the law thereof.

(2) Notwithstanding anything in the Interpretation Act, 1889, ^{52 & 53 Vict.} the expression "colony" shall not include Ceylon in any Act of c. 63. the Parliament of the United Kingdom passed on or after the appointed day or in any such Act passed before that day, but in the same session as this Act, to provide for the independence of Burma as a country not within His Majesty's dominions.

(3) Any Order in Council made under this section may be varied or revoked by a subsequent Order in Council and, though made after the appointed day, may be made so as to have effect from that day.

(4) Every Order in Council made under this section shall be laid before Parliament forthwith after it is made, and if either House of Parliament within the period of forty days beginning with the day on which any such Order is laid before it resolves that an Address be presented to His Majesty praying that the Order be annulled, no further proceedings shall be taken thereunder and His Majesty in Council may revoke the Order, so, however, that any such resolution or revocation shall be without prejudice to the validity of anything previously done under the Order or to the making of a new Order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an Order in Council made ^{56 & 57 Vict.} under this section shall not be deemed to be or to contain a c. 66. statutory rule to which that section applies.

5.—(1) This Act may be cited as the Ceylon Independence Act, 1947. Short title and
commence-
ment.

(2) In this Act the expression "the appointed day" means such day as His Majesty may by Order in Council appoint.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

LEGISLATIVE POWERS OF CEYLON.

28 & 29 Vict.
c. 63.

1.—(1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the appointed day by the Parliament of Ceylon.

(2) No law and no provision of any law made after the appointed day by the Parliament of Ceylon shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of Ceylon shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of Ceylon.

2. The Parliament of Ceylon shall have full power to make law having extra-territorial operation.

57 & 58 Vict.
c. 60.

3. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to the Parliament of Ceylon.

53 & 54 Vict.
c. 27.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Ceylon.

Section 4.

SECOND SCHEDULE.

AMENDMENTS NOT AFFECTING LAW OF CEYLON.

British nationality.

1. The following enactments (which provide for certificates of naturalisation granted and other things done under the law of one part of His Majesty's dominions to be recognised elsewhere), namely—

4 & 5 Geo. 5.
c. 17.

(a) section eight of the British Nationality and Status of Aliens Act, 1914; and

6 & 7 Geo. 6.
c. 14.

(b) paragraph (c) of section eight of the British Nationality and Status of Aliens Act, 1943;

shall apply in relation to Ceylon as they apply in relation to the dominions specified in the First Schedule to the said Act of 1914.

Financial.

2ND SCH.

—cont.

2. As respects goods imported after such date as His Majesty may by Order in Council appoint section four of the Import Duties Act, 1932, and section two of the Isle of Man (Customs) Act, 1932 (which relate to imperial preference other than colonial preference), shall apply to Ceylon. 22 & 23 Geo. 5. c. 8.
22 & 23 Geo. 5. c. 16.

3. In section nineteen of the Finance Act, 1923 (which, as extended by section twenty-six of the Finance Act, 1925, provides for exemption from income tax and land tax of the High Commissioner and other officials of self-governing dominions), the expression "self-governing dominion" shall include Ceylon. 13 & 14 Geo. 5. c. 14.
15 & 16 Geo. 5. c. 36.

4. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression "Dominion" shall include Ceylon. 24 & 25 Geo. 5. c. 47.

Visiting forces.

5. The following provisions of the Visiting Forces (British Commonwealth) Act, 1933, namely— 23 & 24 Geo. 5. c. 6.

(a) section three (which deals with deserters) ;

(b) section four (which deals with attachment and mutual powers of command) ;

(c) the definition of "visiting force" for the purposes of that Act generally which is contained in section eight thereof ;

shall apply in relation to forces raised in Ceylon as they apply in relation to forces raised in the Dominions within the meaning of the Statute of Westminster, 1931. 22 & 23 Geo. 5. c. 4.

Ships and aircraft.

6.—(1) In the definition of "Dominion ship or aircraft" contained in subsection (2) of section three of the Emergency Powers (Defence) Act, 1939, and in that contained in Regulation one hundred of the Defence (General) Regulations, 1939, the expression "a Dominion" shall include Ceylon. 2 & 3 Geo. 6. c. 62.

(2) Paragraph (2) of Regulation fifty-four of the Defence (General) Regulations, 1939 (which confers power by notice to requisition from certain British subjects and companies space or accommodation in ships and aircraft), shall not authorise service of a notice on a British subject resident in Ceylon or a corporation incorporated under the law of Ceylon.

7. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Ceylon ; and the penal provisions of that Act shall not apply to persons in Ceylon (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships). 2 & 3 Geo. 6. c. 70.

8. In the Whaling Industry (Regulation) Act, 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Ceylon. 24 & 25 Geo. 5. c. 49.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

LEGISLATIVE POWERS OF CEYLON.

28 & 29 Vict.
c. 63.

1.—(1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the appointed day by the Parliament of Ceylon.

(2) No law and no provision of any law made after the appointed day by the Parliament of Ceylon shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of Ceylon shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of Ceylon.

2. The Parliament of Ceylon shall have full power to make laws having extra-territorial operation.

57 & 58 Vict.
c. 60.

3. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to the Parliament of Ceylon.

53 & 54 Vict.
c. 27.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Ceylon.

Section 4.

SECOND SCHEDULE.

AMENDMENTS NOT AFFECTING LAW OF CEYLON.

British nationality.

1. The following enactments (which provide for certificates of naturalisation granted and other things done under the law of one part of His Majesty's dominions to be recognised elsewhere), namely—

4 & 5 Geo. 5.
c. 17.

(a) section eight of the British Nationality and Status of Aliens Act, 1914; and

6 & 7 Geo. 6.
c. 14.

(b) paragraph (c) of section eight of the British Nationality and Status of Aliens Act, 1943;

shall apply in relation to Ceylon as they apply in relation to the Dominions specified in the First Schedule to the said Act of 1914.

*Financial.*2ND SCH.
—cont.

2. As respects goods imported after such date as His Majesty may by Order in Council appoint section four of the Import Duties Act, 1932, and section two of the Isle of Man (Customs) Act, 1932 (which relate to imperial preference other than colonial preference), shall apply to Ceylon. 22 & 23 Geo. 5. c. 8.
22 & 23 Geo. 5. c. 16.

3. In section nineteen of the Finance Act, 1923 (which, as extended by section twenty-six of the Finance Act, 1925, provides for exemption from income tax and land tax of the High Commissioner and other officials of self-governing dominions), the expression "self-governing dominion" shall include Ceylon. 13 & 14 Geo. 5. c. 14.
15 & 16 Geo. 5. c. 36.

4. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression "Dominion" shall include Ceylon. 24 & 25 Geo. 5. c. 47.

Visiting forces.

5. The following provisions of the Visiting Forces (British Commonwealth) Act, 1933, namely— 23 & 24 Geo. 5. c. 6.

(a) section three (which deals with deserters);

(b) section four (which deals with attachment and mutual powers of command);

(c) the definition of "visiting force" for the purposes of that Act generally which is contained in section eight thereof;

shall apply in relation to forces raised in Ceylon as they apply in relation to forces raised in the Dominions within the meaning of the Statute of Westminster, 1931. 22 & 23 Geo. 5. c. 4.

Ships and aircraft.

6.—(1) In the definition of "Dominion ship or aircraft" contained in subsection (2) of section three of the Emergency Powers (Defence) Act, 1939, and in that contained in Regulation one hundred of the Defence (General) Regulations, 1939, the expression "a Dominion" shall include Ceylon. 2 & 3 Geo. 6. c. 62.

(2) Paragraph (2) of Regulation fifty-four of the Defence (General) Regulations, 1939 (which confers power by notice to requisition from certain British subjects and companies space or accommodation in ships and aircraft), shall not authorise service of a notice on a British subject resident in Ceylon or a corporation incorporated under the law of Ceylon.

7. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Ceylon; and the penal provisions of that Act shall not apply to persons in Ceylon (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships). 2 & 3 Geo. 6. c. 70.

8. In the Whaling Industry (Regulation) Act, 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Ceylon. 24 & 25 Geo. 5. c. 49.

2ND SCH.

—cont.

7. & 8. Geo. 6.
c. 43.*Matrimonial causes.*

9. Section four of the Matrimonial Causes (War Marriages) Act, 1944 (which provides for the general recognition in British courts of decrees and orders made by virtue of that Act or of any law passed in a part of His Majesty's dominions outside the United Kingdom and declared by an Order in Council to correspond to that Act), shall, in relation to the making of any further Order in Council as respects a law of Ceylon, apply subject to the same provision for securing reciprocity as is made by proviso (ii) to subsection (1) thereof in the case of Dominions within the meaning of the Statute of Westminster, 1931.

*Copyright.*1 & 2 Geo. 5.
c. 46.

10. If the Parliament of Ceylon repeals or amends the Copyright Act, 1911, as it forms part of the law of Ceylon, then—

- (a) except by virtue of sub-paragraph (b) of this paragraph, that Act shall no longer apply in relation to Ceylon as a part of His Majesty's dominions to which the Act extends, so, however, that this provision shall not prejudicially affect any legal rights existing at the time of the repeal or amendment;
- (b) Ceylon shall be included in the expression "self-governing dominion" for the purposes of subsection (2) of section twenty-five and subsection (3) of section twenty-six of that Act (which relate to reciprocity with self-governing dominions having their own copyright law), and the said subsection (2) shall have effect in relation to Ceylon as if that Act, so far as it remains part of the law of Ceylon, had been passed by the Parliament thereof.

CHAPTER 8.

An Act to make provision as to the application and modification of enactments in relation to mandates of the League of Nations and the trusteeship system of the United Nations.

[10th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Application
and
modification
of enactments.

1.—(1) Subject to subsection (2) of this section, the operation of an enactment in relation to any territory—

- (a) shall, while the territory is a trust territory under the sole administration of any government, be the same as if a mandate of the League of Nations in respect of the territory were being exercised by that government;

(b) shall not, except by virtue of the foregoing paragraph, be affected by reason—

- (i) of the territory becoming a trust territory ; or
- (ii) of any change in the authority responsible for administering the territory which takes place on its becoming a trust territory or while it is a trust territory.

This subsection shall be deemed to have had effect from the thirteenth day of December, nineteen hundred and forty-six (being the day on which the first trust territories were established).

(2) Where, whether before or after the passing of this Act, a change in the authority responsible for administering a territory takes place on its becoming a trust territory or while it is a trust territory, His Majesty may by Order in Council make in any enactment such modifications as appear to him to be proper having regard to the change, and any such Order in Council—

- (a) may contain such transitional and other consequential provisions as appear to His Majesty to be expedient for the purposes of the Order ; and
- (b) though made after the date of the change, may be made so as to have effect from that date ; and
- (c) may be varied or revoked by a subsequent Order in Council.

(3) Where any enactment (whether passed or made before or after the termination of the League of Nations) refers in whatever terms to mandated territories or any description of mandated territories, mandates of the League shall not for the purposes of that enactment be deemed to have come to an end with the termination of the League.

This subsection shall be deemed to have had effect from the date of the termination of the League.

(4) The foregoing provisions of this Act, except the last foregoing subsection, shall apply only to enactments contained in Acts of earlier sessions than this Act, and to enactments contained in instruments having effect under such Acts, and the application of the foregoing provisions of this Act to enactments contained in instruments having effect under any Act may be excluded in whole or in part by any instrument having effect under that Act.

(5) Subject to the last foregoing subsection, this Act shall apply to, and an Order in Council thereunder may modify, an enactment notwithstanding that the effect is to impose a charge on the people or on public funds.

(6) Every Order in Council made under this Act shall be laid before Parliament forthwith after it is made, and if either House of Parliament within the period of forty days beginning with the

day on which any such Order is laid before it resolves that an Address be presented to His Majesty praying that the Order be annulled, no further proceedings shall be taken thereunder and His Majesty in Council may revoke the Order, so, however, that any such resolution or revocation shall be without prejudice to the validity of anything previously done under the Order or to the making of a new Order.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

56 & 57 Vict.
c. 66.

(7) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an Order in Council made under this Act shall not be deemed to be or to contain a statutory rule to which that section applies.

Short title
and
interpretation.

2.—(1) This Act may be cited as the Mandated and Trust Territories Act, 1947.

(2) In this Act the expression "trust territory" means a territory for the time being administered under the trusteeship system of the United Nations.

II & 12 GEO. 6.

CHAPTER 9.

An Act to grant certain duties, to alter other duties and to make certain amendments in the law relating to the Public Revenue. [18th December 1947.]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Beer.
2 & 3 Geo. 6.
c. 109.

1.—(1) Section one of the Finance (No. 2) Act, 1939, (which imposes duties of excise and customs in respect of beer) shall have effect as if Parts I, III and IV of the First Schedule to this Act were respectively substituted for Parts I, III and IV of the First Schedule to that Act.

(2) In the case of beer in respect of which it is shown to the satisfaction of the Commissioners that the increased duty chargeable by virtue of this section has been paid, the provisions of the said section one relating to drawback shall have effect as if Parts II, V and VI of the First Schedule to this Act were respectively substituted for Parts II, V and VI of the First Schedule to the Finance (No. 2) Act, 1939.

(3) This section shall be deemed to have had effect as from the thirteenth day of November, nineteen hundred and forty-seven.

2.—(1) The duties of customs charged on spirits under sub-^{Spirits.} section (1) of section three of the Finance Act, 1920, in addition ^{10 & 11 Geo. 5.} to the duties specified in Part II of the First Schedule to that ^{c. 18.} Act, shall be charged at the rates specified in the Second Schedule to this Act; and accordingly the said subsection (1) shall have effect as if the said Schedule to this Act were substituted for Part I of the First Schedule to that Act.

(2) The rate of the duty of excise charged on spirits under subsection (2) of section three of the Finance Act, 1920, in addition to the duties specified in Part III of the First Schedule to that Act, shall be increased to nine pounds ten shillings and ten pence per gallon computed at proof; and accordingly the said subsection (2) shall have effect as if for the words "seven pounds seventeen shillings and sixpence" there were substituted the words "nine pounds ten shillings and ten pence".

(3) This section shall be deemed to have had effect as from the thirteenth day of November, nineteen hundred and forty-seven.

3.—(1) Section three of the Finance (No. 2) Act, 1939 (which ^{Wines.} imposes duties of customs on wines) shall have effect as if Parts I and II of the Third Schedule to this Act were respectively substituted for Parts I and II of the Third Schedule to that Act.

(2) This section shall be deemed to have had effect as from the thirteenth day of November, nineteen hundred and forty-seven.

4.—(1) The duty of excise on sweets charged under section six ^{Sweets.} of the Finance Act, 1927, shall be charged at the rates specified in ^{17 & 18 Geo. 5.} the Fourth Schedule to this Act, instead of at the rates mentioned ^{c. 10.} in section four of the Finance Act, 1943. ^{6 & 7 Geo. 6.} ^{c. 28.}

(2) This section shall be deemed to have had effect as from the thirteenth day of November, nineteen hundred and forty-seven.

5.—(1) The higher, intermediate, basic and reduced rates of ^{Increase of} purchase tax shall be respectively five-fourths, three-fourths, ^{rates of} one-half and one-third of the wholesale value of the goods and, ^{purchase tax.}

3 & 4 Geo. 6. accordingly, in section nineteen of the Finance (No. 2) Act, 1940
 c. 48. (as amended by subsection (3) of section ten of the Finance Act,
 10 & 11 Geo. 6. 1947), in paragraphs (a), (b), (c) and (d) of subsection (a), for the
 c. 35. words "one hundred per cent.", "two-thirds", "one-third"
 and "one-sixth" there shall be respectively substituted the
 words "five-fourths", "three-fourths", "one-half" and "one-
 third":

Provided that this subsection shall not affect mechanically
 propelled road vehicles, mechanically propelled cycles, or bicycles
 or tricycles not mechanically propelled, and, where the tax
 becomes due on or after the ninth day of December, nineteen
 hundred and forty-seven, shall not affect—

(a) electric dry batteries; or

(b) accumulators, being accumulators suitable for use with
 wireless receiving sets of the domestic or portable
 type.

(2) This section shall be deemed to have come into operation
 on the thirteenth day of November, nineteen hundred and forty-
 seven and shall have effect—

(a) in relation to a purchase of goods delivered under the
 purchase on or after that date notwithstanding that
 the purchase was made before that date;

(b) in relation to the application of a chargeable process
 completed on or after that date notwithstanding that
 the process was applied in pursuance of a contract
 made before that date.

Pool betting
 duty.

6.—(1) There shall be charged on all bets made by way
 of pool betting, other than bets made by means of a totalisator
 set up on an approved horse racecourse by or under the authority
 of the Racecourse Betting Control Board, a duty of excise, to be
 known as the pool betting duty, equal to ten per cent. of the
 amount of the stake money paid.

(2) The pool betting duty shall be paid, in the case of bets
 made by means of a totalisator, by the operator, that is to say,
 the person who (as principal) operates the totalisator, and, in
 the case of other bets, by the promoter.

24 & 25 Geo. 5.
 c. 58.

(3) In paragraph 3 of the First Schedule to the Betting and
 Lotteries Act, 1934 (which relates to the distribution of the
 money staked by means of totalisators on dog racecourses), after
 the words "after deducting or causing to be deducted such
 percentage not exceeding six per cent. as he may have specified
 in the said notice" there shall be inserted the words "and after
 deducting also any sums payable by him by way of the pool betting
 duty in respect of the bets made on that race or those races".

(4) The supplemental provisions set out in the Fifth Schedule
 to this Act shall have effect with respect to the pool betting duty.

(5) Bets shall be deemed for the purposes of this section and the said Fifth Schedule to be made by way of pool betting whenever a number of persons make bets on terms that the winnings of such of those persons as are winners shall be, or be a share of, or be determined by reference to, the stake money paid or agreed to be paid by those persons, whether the bets are made by means of a totalisator, or by filling up and returning coupons or other printed or written forms, or otherwise howsoever.

(6) In this section and the said Fifth Schedule, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“approved horse racecourse” and “totalisator” have the same meanings as in Part I of the Betting and Lotteries Act, 1934;

“bet” does not include the taking of a ticket or chance in any lottery which by virtue of section twenty-three, section twenty-four or section twenty-five of the Betting and Lotteries Act, 1934, is to be deemed not to be an unlawful lottery;

“promoter” means, in relation to any pool betting, the person to whom the persons making the bets look for the payment of their winnings, if any.

(7) This section and the said Fifth Schedule shall apply in relation to all bets, wherever made, where the totalisator, or, as the case may be, the promoter of the betting, is in Great Britain but shall not apply in relation to any other bets:

Provided that this section and the said Fifth Schedule shall not apply in relation to any bet made before the fourth day of January, nineteen hundred and forty-eight.

7.—(1) In subsection (1) of section thirty of the Finance Act, 1947 (which fixes the rate of the profits tax at twelve and a half per cent.), for the words “twelve and a half per cent.” in both places where those words occur, there shall be substituted the words “twenty-five per cent.” Increase in profits tax rates.

(2) In the following provisions of the said Act, that is to say—

(a) subsections (2) and (3) of section thirty (which grant a relief from profits tax for profits not distributed and impose a charge to profits tax on certain distributions of profits, at a rate, in both cases, of seven and a half per cent.); and

(b) subsection (3) of section thirty-six (which contains an incidental reference to the said rate),

or the words “seven and a half per cent.”, wherever those words occur, there shall be substituted the words “fifteen per cent.”

(3) In section forty-two of the said Act (which limits the amount of the profits tax chargeable on building societies to three per cent. of the amount of the profits, computed as mentioned in that section) for the words "three per cent." there shall be substituted the words "six per cent."

(4) The preceding provisions of this section shall be deemed always to have had effect and any such additional assessments shall be made as are necessary to give effect to this subsection.

Interest on
unpaid
income-tax,
profits tax and
excess profits
tax.

8.—(1) Subject to the provisions of this section, any tax charged by any assessment to income tax made under Schedule D, or any assessment to surtax, to the profits tax or to excess profits tax, or by virtue of any direction given under section twenty-four of the Finance Act, 1943, which renders any person liable, or any persons jointly and severally liable, to excess profits tax, shall carry interest at the rate of three per cent. per annum from the date when the tax becomes due and payable until payment :

Provided that interest shall not begin to run under this section from any date before the first day of January, nineteen hundred and forty-eight.

(2) Where any tax is paid not later than three months from the date on which it becomes due and payable, the interest thereon under this section shall be remitted.

(3) Interest shall not be payable under this section on the tax charged by any assessment or by virtue of any direction unless—

- (a) the total tax charged by that assessment or by virtue of that direction exceeds one thousand pounds ; and
- (b) the total amount of the interest exceeds one pound.

(4) Subject to the provisions of this subsection, where relief from tax charged by any such assessment, or by virtue of any such direction, as is referred to in subsection (1) of this section is given to any person by a discharge of any of that tax, such adjustment shall be made of the amount payable under this section in relation to the assessment or direction, and such repayment shall be made of any amounts previously paid under this section in relation thereto, as are necessary to secure that the total sum, if any, paid or payable under this section in relation to the assessment or direction is the same as it would have been if the tax discharged had never been charged.

Where relief from tax paid for any year of assessment or chargeable accounting period is given to any person by repayment, he shall be entitled to require that the amount repaid shall be treated for the purposes of this subsection, so far as it will go, as if it were a discharge of the tax charged on him (whether alone or together with other persons) by or by virtue of any assessment or direction for or relating to the same year or period, so, however, that it shall not be applied to any assessment or direction made or given after the relief was given and that it

shall not be applied to more than one assessment or direction so as to reduce, without extinguishing, the amount of tax charged thereby :

Provided that where the relief is from the tax paid for two or more chargeable accounting periods, without distinction between them, every assessment or direction for or relating to any of those periods shall be treated for the purposes of this subsection as an assessment or direction for or relating to the same period as that for which the tax from which the relief is given was paid.

Notwithstanding anything in the previous provisions of this subsection, no relief, whether given by way of discharge or repayment, shall be treated for the purposes of this subsection as—

- (a) affecting tax charged by any assessment to surtax or to the profits tax unless it is a relief from surtax or the profits tax, as the case may be ; or
- (b) affecting tax charged by any assessment to, or by virtue of any direction with respect to, excess profits tax unless it is a relief from excess profits tax ; or
- (c) affecting tax charged by any assessment to income tax made under Schedule D if either—
 - (i) it is a relief from surtax, the profits tax or excess profits tax ; or
 - (ii) it arises in connection with income taxable otherwise than under Schedule D ; or
 - (iii) it relates to a source income from which is taxable otherwise than under Schedule D.

(5) This section extends to assessments and directions notwithstanding that they were made or given before the passing of this Act or were made or given for years of assessment or chargeable accounting periods which have ended before the passing thereof.

(6) The interest payable under this section shall be paid without any deduction of income tax, shall be recoverable as a debt due to the Crown from the person by whom the tax in respect of which interest is charged is payable and shall not be allowed as a deduction in computing any income, profits or losses for any of the purposes of the Income Tax Acts or of the enactments relating to the profits tax.

(7) A certificate of a collector that interest is payable under this section and that payment of the interest has not been made to him, or, to the best of his knowledge and belief, to any other collector, or to any person acting on his behalf or on behalf of another collector, shall be sufficient evidence that the sum mentioned in the certificate is unpaid and is due to the Crown, and

any document purporting to be such a certificate as is mentioned in this subsection shall be deemed to be such a certificate unless the contrary is proved.

In this subsection, the expression "collector" means any person authorised by the Commissioners of Inland Revenue to act as a collector of taxes.

Short title
construction,
extent and
repeal.
39 & 40 Vict.
c. 36.

9.—(1) This Act may be cited as the Finance (No. 2) Act, 1947.

(2) This Act—

- (a) so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876 ;
- (b) so far as it relates to duties of excise, shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties ;
- (c) so far as it relates to purchase tax, shall be construed as one with Part V of the Finance (No. 2) Act, 1940 ;
- (d) so far as it relates to income tax, the profits tax or excess profits tax, shall be construed as one with the Income Tax Acts, the enactments relating to the profits tax or the enactments relating to excess profits tax, as the case may be,

and in this Act, so far as it relates to duties of customs or duties of excise, the expression "the Commissioners" means the Commissioners of Customs and Excise.

(3) Any reference in this Act to any other enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(4) This Act shall not extend to Northern Ireland in so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws.

(5) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule as from the thirteenth day of November, nineteen hundred and forty-seven.

SCHEDULES

FIRST SCHEDULE

Section 1.

BEER (RATES OF DUTY AND DRAWBACK).

PART I.

Rate of Excise Duty.

	£	s.	d.
For every 36 gallons of worts of a specific gravity of 1,027 degrees or less	7	19	9
For every 36 gallons of worts of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	19	9
For every additional degree in excess of 1,027 degrees		5	11
and so in proportion for any less number of gallons.			

PART II.

Rate of Excise Drawback.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	19	11
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	19	11
For every additional degree in excess of 1,027 degrees		5	11
and so in proportion for any less number of gallons.			

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed by more than twopence for every 36 gallons the amount of duty which is shown to the satisfaction of the Commissioners to have been paid.

PART III.

Rate of Customs Duty in case of Beer being an Empire Product.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	8	0	2
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	8	0	2
For every additional degree in excess of 1,027 degrees		5	11
and so in proportion for any less number of gallons.			

PART IV.

1ST SCH.
—cont.*Rate of Customs Duty in case of Beer not being an Empire Product.*

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	9	0	2
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	9	0	2
For every additional degree in excess of 1,027 degrees	5	11	

and so in proportion for any less number of gallons.

PART V.

Rate of Customs Drawback in case of Beer being an Empire Product.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	7	19	11
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	7	19	11
For every additional degree in excess of 1,027 degrees	5	11	

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

PART VI.

Rate of Customs Drawback in case of Beer not being an Empire Product.

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,027 degrees or less	8	19	11
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees	8	19	11
For every additional degree in excess of 1,027 degrees	5	11	

and so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

SECOND SCHEDULE.

Section 2.

SPIRITS (RATES OF ORDINARY CUSTOMS DUTY).

Description of Spirits.	Preferential rates.		Full rates.	
	In cask.	In bottle.	In cask.	In bottle.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For every gallon computed at proof of—				
Brandy or rum	9 11 2	9 12 2	9 13 8	9 14 8
Imitation rum or geneva ...	9 11 3	9 12 3	9 13 9	9 14 9
Unsweetened spirits other than those already enumerated	9 11 3	9 11 3	9 13 9	9 13 9
For every gallon of perfumed spirits	12 12 0	12 13 0	12 16 0	12 17 0
For every gallon of liqueurs, cordials, mixtures and other preparations in bottle entered in such manner as to indicate that the strength is not to be tested	—	12 18 10	—	13 2 2
For every gallon computed at proof of spirits of any description not heretofore mentioned, including naphtha and methylic alcohol purified so as to be potable, and mixtures and preparations containing spirits...	9 11 3	9 12 3	9 13 9	9 14 9

THIRD SCHEDULE.

Section 3.

WINES (RATES OF CUSTOMS DUTY).

PART I.

NON-EMPIRE PRODUCTS.

Description of Wine.	Rate of duty per gallon.
	£ s. d.
Not exceeding 25 degrees proof spirit	1 2 0
Exceeding 25 degrees proof spirit and not exceeding 42 degrees proof spirit... ..	2 4 0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty	0 3 8
Sparkling, an additional duty	1 2 0
Still, in bottle, an additional duty	0 3 6

3RD SCH.
—cont.

PART II.

EMPIRE PRODUCTS.

Description of Wine.	Rate of duty per gallon.
	£ s. d.
Exceeding 27 degrees proof spirit and not exceeding 42 degrees proof spirit..	2 0 0
For every degree or fraction of a degree above 42 degrees proof spirit, an additional duty	0 3 4
Sparkling, an additional duty	0 15 9
Still, in bottle, an additional duty	0 2 6

Section 4.

FOURTH SCHEDULE.

SWEETS (RATES OF EXCISE DUTY).

Description of Sweets.	Rate of duty per gallon.
	£ s. d.
Not exceeding 27 degrees proof spirit	0 19 6
Exceeding 27 degrees proof spirit	1 4 6
Sparkling, an additional duty	0 15 6

Section 6.

FIFTH SCHEDULE.

SUPPLEMENTARY PROVISIONS AS TO THE POOL BETTING DUTY.

1. The pool betting duty shall be under the care and management of the Commissioners, and shall be paid over at such times by the persons by whom it is payable as the Commissioners may direct.

2. Any person who, on the twenty-eighth day of December, nineteen hundred and forty-seven or any subsequent day, is carrying on or intending to carry on any business the carrying on of which involves or may involve any sums becoming payable by him by way of the pool betting duty, shall—

- (a) on the said day or, as the case may be, not less than one week before he begins to carry on the business, notify the Commissioners that he is carrying on or intending to carry on that business; and
- (b) not later than the fourth day of January, nineteen hundred and forty-eight, or the date of the first user thereof for the purposes of the business, whichever last occurs make

5TH SCH.

—cont.

- entry with the Commissioners, in such manner as the Commissioners may require, of all premises and totalisators (if any) used by him for the purposes of the business ; and
- (c) keep such books, records and accounts in relation to the business as the Commissioners may direct, and, for at least six months or such shorter or longer period as the Commissioners may in any particular case direct, preserve, on premises of which entry has been made as aforesaid, any books, records and accounts directed to be kept by him under this paragraph and any other books, records, accounts or documents relating to the business ; and
- (d) permit any officer authorised in that behalf by the Commissioners to enter on any premises used for the purposes of the business, to inspect any totalisator used for the purposes thereof and to inspect and take copies of any books, records, accounts or other documents in his possession or power or on any premises used for the purposes of the business, being books, records, accounts or documents which relate or appear to relate to the business ;

and any such person, and any other person employed, or having functions in connection with, any such business (including, in particular, the accountant referred to in the First Schedule to the Betting and Lotteries Act, 1934) shall, if required so to do by the Commissioners or any officer authorised in that behalf by the Commissioners, produce, at a time and place to be specified by the Commissioners or the officer, any such books, records, accounts or documents relating to the business, make, at times and to persons to be so specified, such returns relating to the business, and give such other information relating to the business, as the Commissioners or the officer may require.

3. If any person—

- (a) fails to pay any pool betting duty payable by him ; or
- (b) contravenes or fails to comply with any of the provisions of the last preceding paragraph ; or
- (c) obstructs any officer in the exercise of his functions in relation to the pool betting duty ; or
- (d) in connection with the pool betting duty, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, or, with intent to deceive, produces or makes use of any book, account, record, return or other document which is false in a material particular ; or
- (e) is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion, by him or any other person, of the pool betting duty,

he shall be liable to an excise penalty of two hundred pounds or treble the amount of the duty which is unpaid or payment of which is sought to be avoided, as the case may be, at the election of the Commissioners :

Provided that where a person is convicted of an offence under sub-paragraph (d) or sub-paragraph (e) of this paragraph, subsections (2) and (3) of section twelve of the Finance Act, 1943 (which confer power on a court to order imprisonment in lieu of or in addition to a penalty in certain cases) shall apply as if the offence were such an offence as is mentioned in the said subsection (2).

5TH SCH.
—cont.

4. Where a person is convicted under the last preceding paragraph in respect of a failure to comply with any of the provisions of paragraph 2 of this Schedule, and the failure continues after the conviction, then, unless he has a reasonable excuse for the continuance of the failure, he shall be guilty of a further offence under this Schedule and may, on conviction, be punished accordingly.

5. Where an offence under this Schedule has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity, and in all the circumstances.

6.—(1) Summary proceedings in respect of an offence under this Schedule may, notwithstanding anything to the contrary in the Summary Jurisdiction Acts, be taken at any time within six months from the date on which evidence comes to the knowledge of the Commissioners which is in their opinion sufficient to justify the proceedings:

Provided that proceedings shall not be taken more than three years after the commission of the offence.

(2) For the purposes of this paragraph, a certificate of the Commissioners as to the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence thereof.

7. In this Schedule, except where the context otherwise requires, the expression "officer" means an officer of Customs and Excise, and includes any person who is expressly authorised by the Commissioners to perform the duties of an officer of Customs and Excise for the purposes of this Schedule.

Section 9.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942.	In subsection (1) of section seventeen, the words from "which shall be" to the end of the subsection.
6 & 7 Geo. 6. c. 28.	The Finance Act, 1943.	Sections two, three and four, subsection (1) of section eleven, and the Second and Third Schedules.
7 & 8 Geo. 6. c. 23.	The Finance Act, 1944.	Parts I, III and IV of the First Schedule.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947.	In subsection (1) of section ten, the words "which shall be" "two-thirds of the whole" "value of the goods".

CHAPTER 10.

Emergency Laws (Miscellaneous Provisions) Act, 1947.

ARRANGEMENT OF SECTIONS.

Section.

1. Continuation for further periods of certain Defence Regulations.
2. Permanent enactment of provisions similar to those contained in or made under certain Defence Regulations.
3. Further extension and amendment of enactments relating to ploughing grants.
4. Further extension of emergency enactments relating to agriculture.
5. Further extension of certain other emergency enactments.
6. Extension of s. 12 of Act of 1946.
7. Extension of Defence Regulations and enactments by Order in Council in pursuance of an Address of both Houses.
8. Provision as to colonies.
9. Financial provision.
10. Repeal of Isle of Man (Detention) Act, 1941.
11. Repeal of s. 3 of Ships and Aircraft (Transfer Restriction) Act, 1939.
12. Short title and commencement.

SCHEDULES.

First Schedule.—

Part I.—Defence Regulations not continued in force.

Part II.—Defence Regulations continued in force until thirty-first of December, nineteen hundred and forty-eight.

Part III.—Defence Regulations continued in force until tenth of December, nineteen hundred and fifty.

Part IV.—Modified form of Regulation sixteen of Defence (General) Regulations, 1939.

Second Schedule.—Permanent enactment of provisions of certain Defence Regulations.

An Act to make further provision with respect to the Defence Regulations continued in force by the Emergency Laws (Transitional Provisions) Act, 1946, and with respect to certain emergency and temporary enactments extended by or contained in that Act; to repeal certain other emergency enactments; and for purposes connected with the matters aforesaid.

[18th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Subject to the provisions of section two and section seven of this Act, the following provisions shall have effect as respects the Defence Regulations which are continued in force until the thirty-first day of December, nineteen hundred and

Continuation
for further
periods of
certain
Defence
Regulations.

9 & 10 Geo. 6. forty-seven, by section one of the Emergency Laws (Transitional
c 26 Provisions) Act, 1946 (hereafter in this Act referred to as
"the Act of 1946") :—

- (a) the Defence Regulations and parts of Defence Regulations specified in Part I of the First Schedule to this Act shall not be further continued in force, and shall accordingly expire on the said date ;
- (b) the Defence Regulations and parts of Defence Regulations specified in Part II of the said Schedule shall, unless previously revoked, continue in force until the thirty-first day of December, nineteen hundred and forty-eight, and shall then expire
- (c) the Defence Regulations and parts of Defence Regulations specified in Part III of the said Schedule shall, unless previously revoked, continue in force until the tenth day of December, nineteen hundred and fifty, and shall then expire.

(2) The Defence Regulations continued in force by this section shall continue to have effect subject to the exceptions, limitations and modifications specified in the First Schedule to the Act of 1946 :

Provided that Regulation sixteen of the Defence (General) Regulations, 1939 (which relates to the stopping up or diversion of highways) shall be further limited so as only to be applicable for the purpose of working open-cast coal or constructing or extending an electricity generating station, and accordingly shall have effect as set out in Part IV of the First Schedule to this Act.

(3) The provisions of the Act of 1946 which apply to Defence Regulations continued in force by section one of that Act shall continue to apply to such of those Regulations as are continued in force by or under this Act.

Permanent
enactment of
provisions
similar to those
contained in or
made under
certain
Defence
Regulations.
57 & 58 Vict.
c. 60.

2.—(1) The provisions set out in the Second Schedule to this Act, which reproduce provisions contained in the Defence Regulations therein mentioned, with minor modifications and adaptations and the addition of transitional provisions, shall have permanent effect.

(2) Section two hundred and fifty-one of the Merchant Shipping Act, 1894 (which provides for the maintenance in London of the General Register and Record Office of Seamen, and was modified by an order made under Regulation eighty-six of the Defence (General) Regulations, 1939, so as to enable the said Office to be removed to Cardiff) shall have effect as if the words "in the port of London" were omitted and for the words "any of the outports" there were substituted the words "any port."

3.—(1) For the purposes of section eleven of the Agriculture Further extension and amendment of enactments relating to ploughing grants.
(Miscellaneous War Provisions) Act, 1940 (which enables ploughing grants to be made in respect of land ploughed up in any year falling wholly or partly within the war period) the expression "war period" shall include the period during which this subsection is in force.

This subsection shall continue in force until the thirty-first day of December, nineteen hundred and forty-nine, and shall then expire.

(2) Part IV of the Agricultural Development Act, 1939 (which provides for the making of ploughing grants) shall, as amended or extended by any subsequent enactment including the preceding subsection, have effect, and be deemed to have had effect as from the twenty-first day of August, nineteen hundred and forty-seven, in relation to the ploughing up of land on or after that date, subject to the following amendments:—

(i) for paragraph (b) of subsection (2) of section twenty-seven of the said Act there shall be substituted the following paragraph—

"(b) that at the time when the ploughing up was begun the land had been under grass for a continuous period including at least two complete seasons and ending at the time when the ploughing up was begun";

(ii) at the end of the said subsection (2) there shall be inserted the words—

"In this subsection the expression "season" means the period beginning with the first day of October in any year and ending with the thirtieth day of June in the next following year, and for the purposes of this subsection land which is sown with grass shall be deemed to be under grass from the time when the sowing took place";

(iii) paragraph (c) of the said subsection (2) and subsection (3) of the said section twenty-seven shall cease to have effect; and

(iv) in subsection (1) of section twenty-eight of the said Act (which provides that ploughing grants shall be made at a rate of £1 for each half acre) and in subsection (3) of that section (which provides that odd fractions of a half acre are to be disregarded) for the word "half" wherever it occurs there shall be substituted the word "quarter".

(3) Any grant made in respect of the ploughing up of land after the said twenty-first day of August may be made subject to such conditions as to the crop to be sown on the ploughed up land as the appropriate Minister (within the meaning of the said Act)

may think fit to impose, and, if any such condition is broken in respect of any land, the amount of the grant paid in respect of the ploughing up of that land shall be recoverable as a debt.

Further
extension of
emergency
enactments
relating to
agriculture.
4 & 5 Geo. 6.
c. 50.

4.—(1) For subsection (1) of section three of the Act of 1946, (which subsection provides for the extension until the thirty-first day of December, nineteen hundred and forty-seven, of the war period for the purposes of the Agriculture (Miscellaneous War Provisions) Act, 1940, the Agriculture (Miscellaneous Provisions) Act, 1941, and section fourteen of the Agriculture (Miscellaneous Provisions) Act, 1943) there shall be substituted the following subsection:—

6 & 7 Geo. 6.
c. 16.

“(1) For the purposes of Part I of the Agriculture (Miscellaneous War Provisions) Act, 1940, (which relates to wheat, and Part III of that Act (which relates to land drainage), except sections fourteen and fifteen thereof, the expression ‘war period’ shall include the period during which this section is in force after the expiry of the Emergency Powers (Defence) Acts, 1939 to 1945.”

(2) Subsection (4) of section twenty-two of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which provides that no scheme shall be approved under Part III of that Act after the end of the war period) shall not be construed as preventing the variation under section four of the Agriculture (Miscellaneous Provisions) Act, 1943, after the end of the war period, of any drainage scheme approved before the end of that period.

(3) Subsection (2) of section three of the Act of 1946 is hereby repealed.

(4) In subsection (4) of section three of the Act of 1946, for the reference to the thirty-first day of December, nineteen hundred and forty-seven, there shall be substituted a reference to the tenth day of December, nineteen hundred and fifty.

Further
extension of
certain other
emergency
enactments.
4 & 5 Geo. 6.
c. 39.
5 & 6 Geo. 6.
c. 9.

5.—(1) Section five of the Act of 1946 (which extends until the thirty-first day of December, nineteen hundred and forty-seven, the period during which the power conferred by section eight of the National Health Insurance, Contributory Pensions and Workmen's Compensation Act, 1941, to adapt Insurance Acts and Pensions Acts to conditions arising by reason of the war, may be exercised) and section eight of the Act of 1946 (which enables the “war period” for the purposes of the Restoration of Pre-War Trade Practices Act, 1942, to be extended until the said date) shall have effect as if for the references to the said date there were substituted references to the thirty-first day of December, nineteen hundred and forty-eight.

(2) The following sections of the Act of 1946, being sections which extend the operation of the enactments therein referred to until the thirty-first day of December, nineteen hundred and

forty-seven, shall have effect as if for the references to that date there were substituted references to the tenth day of December, nineteen hundred and fifty, that is to say:—

- (a) section six (which extends the definition of "war year" 5 & 6 Geo. 6. c. 16. in section nine of the Sugar Industry Act, 1942);
- (b) section seven (which extends the period during which, 7 Edw. 7. c. 29. under subsections (1A) and (1B) of section twenty-nine of the Patents and Designs Act, 1907, the power given to government departments to make, use, exercise or vend inventions for certain purposes, is exercisable, and extends the purposes of the said subsection (1A);
- (c) section nine (which extends the period during which under subsection (1) of section one of the Evidence and 3 & 4 Geo. 6. c. 29. Powers of Attorney Act, 1940, certain officers are empowered to administer oaths and take affidavits during the war; and extends the period in which the exercise of powers under section one of the Settled Land and Trustee Acts (Courts General Powers) Act, 6 & 7 Geo. 6. c. 25. 1943, is permitted);
- (d) section eleven (which extends the period after which under subsection (3) of section three of the Guardian- 7 & 8 Geo. 6. c. 8. ship (Refugee Children) Act, 1944, the appointment of guardians and tutors is prohibited).
- (3) In the said section seven of the Act of 1946 the reference to the purposes specified in subsection (1) of section one of the Supplies and Services (Transitional Powers) Act, 1945, shall be 9 & 10 Geo. 6. c. 10. construed as including a reference to the purposes specified in the Supplies and Services (Extended Purposes) Act, 1947. 10 & 11 Geo. 6. c. 55.
6. Section twelve of the Act of 1946 (which empowers local authorities to remove certain works and to restore the land affected, and is limited by subsection (4) thereof to expire on the thirty-first day of December, nineteen hundred and forty-seven) shall have effect as if for the reference to that date there were substituted a reference to the tenth day of December, nineteen hundred and fifty. Extension of s. 12 of Act of 1946.
7. If at any time while any Defence Regulations specified in Part II or Part III of the First Schedule to this Act, or any enactments contained in Part I of the Act of 1946, are in force, an Address is presented to His Majesty by each House of Parliament praying that those Regulations or enactments, or any of them, should be continued in force for a further period not exceeding one year from the time at which they would otherwise expire, His Majesty may by Order in Council direct that the Regulations or enactments to which the Address relates shall continue in force for that further period. Extension of Defence Regulations and enactments by Order in Council in pursuance of an Address of both Houses.

Provision as
to colonies.

8.—(1) Section eighteen of the Act of 1946 (which empowers His Majesty by Order in Council to make provision for the continuation in force, until the thirty-first day of December, nineteen hundred and forty-seven, of Defence Regulations having effect in colonies and other territories) shall have effect as if for the reference to the said date there were substituted a reference to the tenth day of December, nineteen hundred and fifty, and the said section eighteen shall be construed as applying to any Defence Regulations remaining in force by virtue of that section immediately before the passing of this Act.

(2) Where an Order in Council is made under the last preceding section continuing any Defence Regulations for any period falling after the tenth day of December, nineteen hundred and fifty, that Order in Council may make provision for enabling any Defence Regulations continued in force by virtue of the said section eighteen to be continued in force for that period.

Financial
provision.

9. There shall be defrayed out of money provided by Parliament any expenses incurred by any Minister of the Crown in consequence of the passing of this Act, and any increase attributable to the passing of this Act in any sums authorised or required by any other enactment to be paid out of monies provided by Parliament.

Repeal of Isle of
Man (Detention)
Act, 1941.
4 & 5 Geo. 6. c. 16.

10. The Isle of Man (Detention) Act, 1941, is hereby repealed.

Repeal of s. 3
of Ships and
Aircraft
(Transfer
Restriction)
Act, 1939.
2 & 3 Geo. 6.
c. 70.

11.—(1) Section three of the Ships and Aircraft (Transfer Restriction) Act, 1939, (which requires transactions in respect of aircraft and parts of aircraft to be sanctioned by the Minister of Civil Aviation) is hereby repealed, and any transaction entered into on or after the fifteenth day of August, nineteen hundred and forty-five, shall not be, and shall be deemed never to have been, unlawful or void by virtue of that section.

8 & 9 Geo. 6.
c. 21.

(2) Any reference to the Minister of Civil Aviation in any other section of the said Act, as amended by the Ministry of Civil Aviation Act, 1945, shall be omitted.

Short title
and
commence-
ment.

12.—(1) This Act may be cited as the Emergency Laws (Miscellaneous Provisions) Act, 1947.

(2) This Act, except sections eight, ten and eleven, shall come into operation on the thirty-first day of December, nineteen hundred and forty-seven.

SCHEDULES.**FIRST SCHEDULE.**

Section 1.

PART I.**DEFENCE REGULATIONS NOT CONTINUED IN FORCE.***Defence (General) Regulations, 1939.*

Regulation eighteen (Entering and leaving the United Kingdom).

Regulation twenty (Change of name of aliens).

Regulation thirty B (Information of birth where parents have left the district).

Regulation thirty-two AB (Employment of nurses in mental institutions).

Regulation thirty-two B (Temporary registration of colonial and foreign medical practitioners).

Regulation thirty-two C (Temporary registration of foreign pharmacists).

Regulation thirty-three A (Diseases associated with infestation with vermin).

Regulation thirty-three B (Compulsory treatment of venereal disease).

Regulation thirty-nine A (Seducing persons from duty and causing disaffection).

Regulation forty AA (Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council).

Regulation forty-two B (Opening of cinemas on Sundays).

Regulation fifty-seven C (Exemption for conveyance of explosives in connection with government contracts).

Regulation fifty-eight AD (Restriction on names of organisations for training boys and girls).

Regulation fifty-nine A (Payment of wages to road-men by cheque).

Regulation sixty DA (Extension of Police and Firemen (War Service) Act, 1939, to civilian war work).

Regulation sixty N (Suspension of obligation to prepare Post Office commercial accounts).

Regulation seventy-nine (Collection and disposal of articles of military value).

Regulation eighty-one A (Commission in relation to government contracts).

Paragraph (2) of Regulation one hundred and three (Functions of chief constable of Cornwall in relation to the Isles of Scilly).

Regulation one hundred and four A (Modifications with respect to allied powers and associated authorities).

1ST SCH.
—cont.

Other Defence Regulations.

Regulations fifteen, sixteen, seventeen, seventeen B, seventeen C, seventeen D, and the Second Schedule to the Defence (Administration of Justice) Regulations, 1940 ;

Regulations twenty-four and twenty-seven of the Defence (Agriculture and Fisheries) Regulations, 1939 ;

Regulations four, seven, seven A, eight, nine (except paragraph (1)), ten, ten A, twelve and thirteen of, and the Second Schedule to, the Defence (Armed Forces) Regulations, 1939 ;

The whole of the Defence (Building Societies) Regulations, 1940 ;

Paragraphs (1), (2) and (3) of Regulation five of the Defence (Burial, Inquests and Registration of Deaths) Regulations, 1942 ;

Regulations three A and eight of the Defence (Cinematograph Quotas) Regulations, 1940 ;

Regulations two, six and seven of the Defence (Companies) Regulations, 1940 ;

Regulations three, four, six, seven, eight and nine of the Defence (Evacuated Areas) Regulations, 1940 ;

Regulation three of the Defence (Functions of Ministers) Regulations, 1941 ;

Regulations three A, five, six, six A and eight A of the Defence (Patents, Trade Marks, etc.) Regulations, 1941 ;

The whole of the Defence (Services for Industry) Regulations, 1945 ;

The whole of the Defence (United States Forces—Administration of Estates) Regulations, 1942.

The whole of the Defence (War Risks Insurance) (No. 3) Regulations, 1940.

PART II.

**DEFENCE REGULATIONS CONTINUED IN FORCE UNTIL
THIRTY-FIRST OF DECEMBER, NINETEEN HUNDRED
AND FORTY-EIGHT.**

Defence (General) Regulations, 1939.

Regulation eighteen C (Prisoners of war).

Regulation thirty-one A (Provision of food, lodging and medical treatment for evacuees).

Regulation thirty-one B (Remission of charges in respect of evacuees).

Regulation thirty-two (Hospitals and ambulances).

Regulation forty AC (Miscellaneous provisions as to police forces).

Regulation forty-one (Visiting committees for certain prisons).

Regulation seventy-six (Ammunition etc., in ports).

Other Defence Regulations.

Regulations thirteen, fifteen A, and seventeen A of the Defence (Administration of Justice) Regulations, 1940.

Regulations twenty-eight and twenty-eight B of the Defence (Agriculture and Fisheries) Regulations, 1939.

Paragraph (1) of Regulation nine and Regulation ten B of the Defence (Armed Forces) Regulations, 1939.

Regulations one, two, three and five of the Defence (Cinematograph Quotas) Regulations, 1940.

Regulation three of the Defence (Companies) Regulations, 1940.
 The whole of the Defence (National Fire Service) Regulations,
 1941.

1ST SCH.
 —cont.

PART III.

DEFENCE REGULATIONS CONTINUED IN FORCE UNTIL TENTH OF
 DECEMBER, NINETEEN HUNDRED AND FIFTY.

Defence (General) Regulations, 1939.

Regulation two BA (Control of explosives).
 Regulation twelve (Protected places).
 Regulation fourteen (Byelaws as respects certain places and areas).
 Regulation sixteen (Stopping-up and diversion of highways).
 Regulation twenty AB (Amendments of National Registration Act,
 1939).
 Regulation twenty-two (Billeting).
 Regulation twenty-three CB (Amendment of s. 67 of Civil Defence
 Act, 1939).
 Regulation twenty-three CC (Amendment of s. 54 of Civil Defence
 Act (Northern Ireland), 1939).
 Regulation thirty-two A (Transfer of persons of unsound mind and
 mental defectives).
 Regulation thirty-two AA (Evacuation of houses licensed under the
 Lunacy Act, 1890).
 Regulation thirty-three (Exemption of certain women from Acts
 relating to midwives).
 Regulation thirty-nine (Control of police forces).
 Regulation forty-two C (Closing of undesirable premises).
 Regulation forty-two CA (Unlawful gaming parties).
 Regulation forty-five A (Issue of identity cards to seamen).
 Regulation fifty (Power to do work on land).
 Regulation fifty B (Special provisions as to severance of fixtures).
 Regulation fifty-two (Use of land for purposes of H.M. forces).
 Regulation fifty-five C (Restrictions on registration of new clubs).
 Regulation sixty AB (Temporary amendments of enactments
 relating to the closing of shops).
 Regulation sixty C (Amendment of s. 4 of Sale of Food (Weights and
 Measures) Act, 1926).
 Regulation sixty CC (Power of officers of Post Office to require
 production of identity cards).
 Regulation eighty-two (False documents and false statements).
 Regulation eighty-three (Obstruction).
 Regulation eighty-four (Restrictions on disclosing information).
 Regulation eighty-five (Entry upon, and inspection of land).
 Regulation eighty-seven (Permits, licences, etc.).
 Regulation eighty-eight (Fees for permits, licences, etc.).
 Regulation eighty-nine (Use of force in entering premises).
 Regulations ninety to ninety-three A, ninety-five to one hundred
 and two A, paragraph (1) of regulation one hundred and three, and
 regulations one hundred and four and one hundred and five (which
 contain general administrative, legal and supplementary provisions).
 The Third Schedule (Manner of instituting proceedings).

1ST SCH.

—cont.

Other Defence Regulations.

Regulations seventeen E and twenty of the Defence (Administration of Justice) Regulations, 1940.

Parts I, II, III and IV, Regulations twenty-one, twenty-five A, twenty-six, twenty-eight A, twenty-nine and thirty, and Schedules I, II, III, and VI of the Defence (Agriculture and Fisheries) Regulations, 1939.

The whole of the Defence (Agriculture and Fisheries) (Northern Ireland) Regulations, 1940.

Regulations one, two, three and six of the Defence (Armed Forces) Regulations, 1939.

Regulation one and paragraphs (4) to (10) of Regulation five of the Defence (Burial, Inquests and Registration of Deaths) Regulations, 1942.

Regulations one, five, five A and eight of the Defence (Companies) Regulations, 1940.

Regulations one, two and four A of the Defence (Evacuated Areas) Regulations, 1940.

Regulations one and four of, and the Schedule to, the Defence (Functions of Ministers) Regulations, 1941.

The whole of the Defence (Industrial Assurance) Regulations, 1943.

Regulations one, two and three of the Defence (Parliamentary Under-Secretaries) Regulations, 1940.

Regulations one, two, three, five A, seven, eight and nine of the Defence (Patents, Trade Marks, etc.) Regulations, 1941.

The whole of the Defence (Sale of Food) Regulations, 1943.

The whole of the Defence (Trading with the Enemy) Regulations, 1940.

The whole of the Defence (War Risks Insurance) Regulations, 1940, the Defence (War Risks Insurance) (No. 2) Regulations, 1940, the Defence (War Risks Insurance) (No. 4) Regulations, 1940, and the Defence (War Risks Insurance) Regulations, 1945.

The whole of the Defence (Women's Forces) Regulations, 1941.

PART IV.

MODIFIED FORM OF REGULATION SIXTEEN OF DEFENCE
(GENERAL) REGULATIONS, 1939.

Stopping-up
or diversion of
highways for
purposes of
open-cast coal
and generating
stations.

16. The Minister of Fuel and Power, if he considers it necessary to do so for the purpose of working open-cast coal or constructing or extending an electricity generating station, may by order provide for the stopping-up or diversion of any highway passing through, and for prohibiting or restricting the exercise of any right of way over or the use of any waterway passing through, any land used or appropriated for use for that purpose or any land adjoining such land.

SECOND SCHEDULE.

Section 2.

PERMANENT ENACTMENT OF PROVISIONS OF CERTAIN
DEFENCE REGULATIONS.

*Provisions reproducing part of Regulation 40AA of Defence (General)
Regulations, 1939.*

1.—(1) The power conferred by section three of the Special Constables Act, 1923, to appoint persons nominated by the Admiralty, Army Council, or Air Council, to be special constables within the places and limits therein mentioned shall extend to the appointment of persons so nominated to be special constables in, and within fifteen miles of, any other premises in Great Britain which are for the time being in the possession or under the control of the Admiralty, the Army Council, the Air Council, the Secretary of State for Air or the Minister of Supply, or are for the time being used for or in connection with naval, military or air force purposes, and the said section three shall have effect accordingly.

Extension of
power to
appoint special
constables
nominated by
the Admiralty,
Army Council
or Air Council.

(2) A resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, may appoint such persons as may be nominated for the purpose by the appropriate authority to be special constables at any premises in Northern Ireland which are, for the time being, in the possession or under the control of the Admiralty, the Army Council, the Air Council, the Secretary of State for Air or the Minister of Supply or are specified by the appropriate authority to be, for the time being, used for or in connection with naval, military or air force purposes; and every person so appointed shall make a declaration before the resident magistrate duly to execute the office of a constable at the premises aforesaid, and, when he has made that declaration, shall at those premises have the same powers and privileges and be liable to the same duties and responsibilities as a constable in Northern Ireland.

Special constables appointed under this paragraph shall be under the exclusive control of the authority on whose nomination they are appointed and that authority shall have power to suspend or terminate the appointment of any such special constable.

In this paragraph the expression "appropriate authority" means—

- (a) in the case of premises in the possession or under the control of the Admiralty or used for or in connection with naval purposes, the Admiralty;
- (b) in the case of premises in the possession or under the control of the Army Council or used for or in connection with military purposes, the Army Council;
- (c) in the case of premises in the possession or under the control of the Air Council or the Secretary of State for Air or used for or in connection with air force purposes, the Air Council;
- (d) in the case of premises in the possession or under the control of the Minister of Supply, not being premises mentioned in the last two preceding sub-paragraphs, either the Army Council or the Air Council.

2ND SGM.
—cont.

(3) Any appointment made by virtue of Regulation forty AA of the Defence (General) Regulations, 1939, and in force immediately before the date on which this Act comes into force, shall be deemed to have been made by virtue of the preceding provisions, and any special constable who, immediately before that date, is authorised by paragraph (3) of the said Regulation to act within the premises and limits mentioned in sub-paragraph (1) hereof, shall continue to be authorised so to act.

Provisions reproducing part of Regulation 9 of Defence (Armed Forces) Regulations, 1939.

Inter-service
exercise of
powers by
provost
marshals.

2.—(1) An order made by the appropriate authorities may, as respects any area specified in the order, whether in the United Kingdom or elsewhere, authorise the exercise—

- (a) by naval provost marshals of the powers of army provost marshals in relation to persons subject to military law, and by army provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act; or
- (b) by naval provost marshals of the powers of air force provost marshals in relation to persons subject to the Air Force Act, and by air force provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act; or
- (c) by army provost marshals of the powers of air force provost marshals in relation to persons subject to the Air Force Act, and by air force provost marshals of the powers of army provost marshals in relation to persons subject to military law; or
- (d) by naval provost marshals of the powers of army provost marshals in relation to persons subject to military law and of air force provost marshals in relation to persons subject to the Air Force Act, by army provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act and of air force provost marshals in relation to persons subject to the Air Force Act, and by air force provost marshals of the powers of naval provost marshals in relation to persons subject to the Naval Discipline Act and of army provost marshals in relation to persons subject to military law.

In this sub-paragraph the expression "the appropriate authorities" means the Admiralty and the Army Council, the Admiralty and the Air Council, the Army Council and the Air Council, or the Admiralty, the Army Council and the Air Council, according as the order makes the provision specified in (a), (b), (c) or (d) of this sub-paragraph.

(2) The powers conferred by or under the preceding sub-paragraph on any provost marshal shall be exercisable also by his assistants, and by any officer, or seaman or marine, soldier or airman, as the case may be, legally exercising authority under him or on his behalf:

Provided that no officer shall be arrested or detained otherwise than on the order of another officer.

(3) Nothing in the preceding provisions shall be construed as affecting any powers of arrest or detention exercisable apart from those provisions.

(4) Any order made under Regulation 9 of the Defence (Armed Forces) Regulations, 1939, and in force immediately before the commencement of this Act shall continue in force and have effect as if it had been made under sub-paragraph (1) hereof.

2ND SCH.
—cont.

Provisions reproducing Regulation 10A of Defence (Armed Forces) Regulations, 1939.

3. For the purpose of any proceedings under the Naval Discipline Act—

- (a) where the person charged has surrendered himself into the custody of a naval, army or air force provost marshal, assistant provost marshal or other officer of His Majesty's forces, or has surrendered himself to any consular officer, or has on surrender been taken into custody at a police station in any place in any part of His Majesty's dominions, a certificate purporting to have been signed by that provost marshal, assistant provost marshal or other officer, or by that consular officer, or by the police officer in charge of that police station, as the case may be, and stating the fact, date and place of his surrender, and whether or not he was wearing the uniform of any of His Majesty's naval or marine forces at the time of his surrender, shall be evidence of the matters so stated;
- (b) where the person charged has been apprehended and has on arrest been taken into the custody of any such provost marshal, assistant provost marshal or other officer as aforesaid, or to any such police station as aforesaid, a certificate purporting to have been signed by that provost marshal, assistant provost marshal or other officer, or by the police officer in charge of that police station, as the case may be, and stating the fact, date and place of arrest, and whether or not he was wearing the uniform of any of His Majesty's naval or marine forces at the time of arrest, shall be evidence of the matters so stated.

Proof of certain matters in proceedings under Naval Discipline Act.

Provision reproducing Regulation 57C of Defence (General) Regulations, 1939.

4. Paragraph (5) of section ninety-seven of the Explosives Act, 1875 (which exempts from that Act the conveyance of explosives under the control of a government department or otherwise held for the service of the Crown), shall be deemed to extend to any explosive the conveyance of which is certified by a government department to be in connection with the execution of a contract with that department and which is conveyed in accordance with regulations made under the said paragraph.

Extension of exemption for conveyance of explosives in connection with government contracts.

Provisions reproducing Regulation 17B of Defence (Administration of Justice) Regulations, 1940.

5.—(1) Where a court of summary jurisdiction (hereafter in this paragraph referred to as "the original court") has made an affiliation order or a maintenance order, then, if, on a complaint for the recovery of any payments under the order made in writing and upon oath to the original court, it appears to the court that the person from whom

Enforcement of affiliation and maintenance orders.

2ND SCH
—cont.

the payments are due is for the time being within the jurisdiction of some other court of summary jurisdiction and that the order can be more conveniently enforced by that other court,—

- (a) the original court may, instead of issuing a summons or warrant on the complaint, order the clerk of the original court to send the complaint by post to the clerk of that other court ; and
- (b) on receipt of the complaint by the clerk of that other court, that other court shall issue a summons or warrant and shall hear and determine the complaint as if it were the original court.

(2) Where—

- (a) an affiliation order provides that payments thereunder shall be made through any person or officer other than the collecting officer of the court ; or
- (b) a maintenance order provides that payments thereunder shall be made through any person or officer (including the collecting officer of the court) ;

the person or officer through whom the payments are to be made shall have the same power of proceeding in his own name for the recovery of payments under the order as the collecting officer of the court has in a case where an affiliation order provides for the making of payments to him.

(3) If, after a complaint for the recovery of payments under an order has by virtue of these provisions been sent by the clerk of the original court to the clerk of some other court, any payment under the order is received by the collecting officer or other officer of the original court or some other person or officer specified in the order—

- (a) that officer or person shall forthwith inform the clerk of the original court of the date and amount of the payment ; and
- (b) the clerk of the original court shall forthwith send by post to the clerk of that other court a certificate of the said date and amount ;

and any such certificate purporting to be signed by the clerk of the original court shall be evidence on the hearing of the complaint that the amount specified therein was paid on the date so specified.

*Provisions reproducing Regulation 17C of Defence
(Administration of Justice) Regulations, 1940.*

Revocation,
revival and
variation of
affiliation and
maintenance
orders.

6.—(1) The following provisions shall have effect as respects complaints under subsection (3) of section thirty of the Criminal Justice Administration Act, 1914, or section seven of the Summary Jurisdiction (Married Women) Act, 1895, as amended by section nine of the Money Payments (Justices Procedure) Act, 1935, for the revocation, discharge, revival, alteration or variation of an affiliation order or a maintenance order.

(2) A complaint may be made to a court of summary jurisdiction having jurisdiction in the place where the complainant is for the time being, instead of to the court which made the order (hereafter in this paragraph referred to as “ the original court ”).

(3) The court to which the complaint is made whether it is the original court or any other court shall take no action thereon unless and until the complainant furnishes the court with written particulars—

AND SCH.
—cont.

- (a) of the nature of the evidence by which it is proposed to support the complaint ; and
- (b) of the occupations of the complainant and the defendant and of the address of the complainant and of the last address of the defendant known to the complainant ; and
- (c) of the names, addresses and occupations of any other persons whom the complainant proposes to call as witnesses on the hearing of the complaint :

Provided that this sub-paragraph shall not apply where the complaint is made to the original court and it appears to the court that the last address of the defendant known to the complainant is within the jurisdiction of that court.

(4) Where the complaint is made to the original court and it appears that the places stated in the said particulars as being the addresses of the complainant and defendant are within the jurisdiction of another court or other courts of summary jurisdiction, or that one of them is within the jurisdiction of another such court :—

- (a) the original court shall, having regard to the said particulars, determine whether the complaint could more conveniently be dealt with by the original court or by that other court or one of those other courts ;
- (b) if the original court determines that the complaint could more conveniently be dealt with by itself, it shall issue a summons and hear and determine the complaint accordingly ;
- (c) if the original court determines that the complaint could more conveniently be dealt with by some other such court of summary jurisdiction as aforesaid—
 - (i) it shall order the clerk of the court to send by post to the clerk of that other court the complaint and the said particulars ; and
 - (ii) on receipt thereof by the clerk of that other court, that other court shall issue a summons and hear and determine the complaint as it if were the original court.

(5) Where by virtue of sub-paragraph (2) hereof the complaint is made to a court other than the original court—

- (a) that other court shall order the clerk thereof to send the complaint and the said particulars by post to the clerk of the original court ;
- (b) on receipt of the complaint and the said particulars by the clerk of the original court, paragraph (4) hereof shall apply as if the complaint had been made to the original court.

(6) Where by virtue of these provisions an affiliation order or a maintenance order is revoked, discharged, revived, altered or varied

AND SCH.
—cont.

by order of a court of summary jurisdiction other than the original court—

- (a) the clerk of that other court shall forthwith send by post an extract from the register kept by him under section twenty-two of the Summary Jurisdiction Act, 1879, containing a minute or memorandum of the order of that other court to the clerk of the original court ; and
- (b) on receipt of the extract, the clerk of the original court shall enter the minute or memorandum in the register kept by him as aforesaid.

*Provisions reproducing Regulation 17D of the Defence
(Administration of Justice) Regulations, 1940.*

Evidence of
affiliation and
maintenance
orders.

7.—(1) An extract from the register kept under section twenty-two of the Summary Jurisdiction Act, 1879, by the clerk of a court of summary jurisdiction, purporting to be certified by the clerk of that court to be a true extract, and containing a minute or memorandum of—

- (a) an affiliation order or maintenance order made by the court ; or
- (b) an order made by the court revoking, discharging, reviving, altering or varying an affiliation order or maintenance order made by the court or some other court ; or
- (c) an order whereof a minute or memorandum has been entered in the register by virtue of sub-paragraph (6) of the last preceding paragraph ;

shall, in any proceedings before any other court of summary jurisdiction relating to the enforcement of the order or the revocation, discharge, revival, alteration or variation of the order, be evidence of the making of the order.

(2) A certificate purporting to be signed by the clerk of a court of summary jurisdiction, and stating that no minute or memorandum of an order revoking, discharging, reviving, altering or varying an affiliation order or maintenance order made by the court is entered in the register kept by him as aforesaid, shall, in any such proceedings as aforesaid, be evidence that the affiliation order or maintenance order has not been revoked, discharged, revived, altered or varied.

(3) Nothing in these provisions shall be taken to prejudice the provisions of subsection (2) of the said section twenty-two (which provides that a register kept as aforesaid or an extract therefrom, shall be evidence of the matters entered therein for the purpose of informing a court of summary jurisdiction for the same county, borough or place).

Interpretation, extent and savings.

Interpretation,
extent and
savings.

8.—(1) In paragraphs 5, 6 and 7 of this Schedule, the expression " affiliation order " has the same meaning as in the Affiliation Orders Act, 1914, and the expression " maintenance order " means an order made under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925, or under those Acts as amended by section eleven

of the Matrimonial Causes Act, 1937, requiring a husband to pay a weekly sum to his wife or to an officer of the court or third person on her behalf, and the expression "court" means, except in relation to the hearing and determination of a complaint, any justice or justices having jurisdiction in the petty sessional division or place for which the court acts.

2ND SCH.
—cont.

(2) Paragraphs 5, 6 and 7 of this Schedule shall not extend to Scotland or Northern Ireland.

(3) Any order, complaint, proceeding, summons, warrant, certificate, determination, extract, entry, minute, memorandum or other thing made, taken, issued or done under Regulation 17B, Regulation 17C or Regulation 17D of the Defence (Administration of Justice) Regulations, 1940, shall, if in force immediately before the commencement of this Act, continue in force and have effect as if made, taken, issued or done under the corresponding provision of paragraph 5, paragraph 6 or paragraph 7 of this Schedule.

CHAPTER 11.

Medical Practitioners and Pharmacists Act, 1947.

ARRANGEMENT OF SECTIONS.

PART I.

MEDICAL PRACTITIONERS.

Section.

1. Power to register persons of certain categories as Commonwealth or foreign practitioners.
2. Persons registered under Defence Regulations or 10 & 11 Geo. 6. c. 19.
3. Persons who have served in a medical capacity in H.M. forces overseas.
4. Other qualified persons in the U.K. in war circumstances.
5. Provisions as to applications made out of time.
6. Registration fees.
7. Appeal to the Privy Council against refusal of application.
8. Power to register as Commonwealth or foreign practitioners certain persons in the U.K. temporarily for employment in hospitals.
9. Substitution of "Commonwealth" for "colonial" in Part II of the Medical Act, 1886.
10. Provisions as to interpretation of Part I.

PART II.

PHARMACISTS.

11. Provision for registration as pharmacists of persons holding qualifications granted outside the United Kingdom.

PART III.

SHORT TITLE.

12. Short title.

An Act to make provision for the registration as medical practitioners or as pharmacists of certain persons having qualifications other than the United Kingdom qualifications required by the Medical Acts and the Pharmacy Acts, and to repeal certain provisions as to pharmacists in that behalf. [18th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows :—

PART I.

MEDICAL PRACTITIONERS.

Power to register persons of certain categories as Commonwealth or foreign practitioners.

1.—(1) In the case of a person to whom this section applies, the General Medical Council (in this Part of this Act referred to as "the Council") may, if they think fit and subject to the provisions of this Part of this Act, give a direction that he shall be registered in the medical register under this section.

(2) A person to whom this section applies, and as to whom such a direction is given, shall be registered in the medical register without examination in the United Kingdom (otherwise than as may be required by virtue of paragraph (b) of subsection (2) of section four of this Act).

(3) Registration of a person under this section shall be either (in accordance with the subsequent provisions of this Part of this Act in that behalf) as a Commonwealth practitioner or as a foreign practitioner.

21 & 22 Vict.
c. 90.

(4) The provisions of the Medical Act, 1858, relating to persons registered under that Act, and relating to the medical register and offences in respect thereof, shall, so far as may be, apply in the case of persons registered under this section in the same way as those provisions apply in the case of persons registered under that Act and of the register as kept thereunder.

(5) Such a direction shall be given only in the case of a person who is resident in the United Kingdom and is so resident otherwise than for a temporary purpose.

(6) Subject to the provisions of section five of this Act, such a direction shall not be given in the case of a person to whom this section applies by virtue of any of the three next succeeding sections unless an application in that behalf is made to the registrar of the Council within the period specified in that section as the time for application in the case of such a person.

2.—(1) Section one of this Act shall apply to persons who, having been registered as Commonwealth practitioners or as foreign practitioners by virtue either—

(a) of Regulation 32B of the Defence (General) Regulations, 1939, or

(b) of section five of the Polish Resettlement Act, 1947,

are so registered at the expiration of the said Regulation and of the said section five.

(2) Such persons shall remain registered as such practitioners notwithstanding the expiration of the said Regulation and of the said section five, but subject to the provisions of the Medical Acts relating to the erasure of names from the medical register, for a period of six months beginning with the passing of this Act.

(3) The giving of a direction in the case of such a person shall be conditional on his satisfying the Council that he has rendered satisfactory service in a medical capacity whilst registered by virtue of the said Regulation or of the said section five, as the case may be, and of the last preceding subsection.

(4) In the case of such a person who was registered by virtue of the said Regulation in circumstances such that he was not required to satisfy the Council that he held some recognised Commonwealth or foreign diploma or diplomas, the giving of a direction shall be conditional also on his satisfying the Council that he holds some such diploma or diplomas.

(5) In the case of such a person the time for application shall be the said period of six months beginning with the passing of this Act, and, if an application made during that period is pending at the expiration thereof, the period of the applicant's registration by virtue of subsection (2) of this section shall be extended to the time of the final determination of the application.

(6) Registration of such a person under section one of this Act shall be as a Commonwealth practitioner or as a foreign practitioner according as he was registered as the one or as the other at the expiration of the said Regulation and of the said section five.

3.—(1) Section one of this Act shall apply to persons who after the first day of September, nineteen hundred and thirty-nine, have served in a medical capacity outside the United Kingdom in any of His Majesty's forces (including His Majesty's Dominion forces, Indian forces and Burma forces) or in any voluntary organisation operating in connection with any such forces, or have served in a medical capacity outside the United Kingdom for the care of British subjects or British protected persons in a place in His Majesty's dominions, a British protectorate or a country or territory under His Majesty's protection or suzerainty or in which His Majesty had for the time being jurisdiction during the carrying on of war operations in that place or its occupation by the enemy or the continuance of circumstances arising therefrom.

PART I.
—cont.
Persons who
registered
under Defence
Regulations
or 10 & 11
Geo. 6. c. 19.

Persons who
have served
in a medical
capacity in
H.M. forces
overseas.

PART I.
—cont.

(2) The giving of a direction in the case of such a person shall be conditional on his satisfying the Council that he has rendered satisfactory service in the medical capacity in which he served as aforesaid, that he holds some recognised Commonwealth or foreign diploma or diplomas, and that he is of good character.

(3) In the case of such a person the time for application shall be a period of twelve months beginning with the passing of this Act.

(4) Registration of such a person shall be as a Commonwealth practitioner or as a foreign practitioner according to the place of grant of his recognised diploma or diplomas.

Other qualified
persons in
the U.K. in
war
circumstances.

4.—(1) Section one of this Act shall apply—

(a) to persons, other than such as are mentioned in the two last preceding sections, who, before the fourth day of August, nineteen hundred and forty-seven, have been permitted to enter, or to remain in, the United Kingdom in view of circumstances attributable to war, as to which, in case of doubt, a certificate of the Secretary of State shall be conclusive; and

(b) to persons not falling within the preceding paragraph but falling within paragraph (a) or (b) of subsection (3) of section five of the Polish Resettlement Act, 1947 (which specified the classes of persons to whom that section applied):

Provided that section one of this Act shall not apply by virtue of this section to a person who has made an application for registration in the medical register by virtue of section eleven of twelve of the Medical Act, 1886, of Regulation 32B of the Defence (General) Regulations, 1939, or of section five of the Polish Resettlement Act, 1947, before the said fourth day of August.

49 & 50 Vict.
c.48.

(2) The giving of a direction in the case of such a person shall be conditional on his satisfying the Council either—

(a) that he holds some recognised Commonwealth or foreign diploma or diplomas, or

(b) that he holds the qualification of doctor of medicine or of bachelor of medicine of the Polish School of Medicine at the University of Edinburgh,

and that he is of good character, and, in the case of a person falling within paragraph (a) of subsection (1) of this section, on his having been selected for employment in a medical capacity in a hospital or other institution for the time being approved by the Minister of Health or the Secretary of State for the purposes of this section or, in the case of a person falling within paragraph (a) or (b) of subsection (3) of section five of the Polish Resettlement Act, 1947, on his being employed, or having been selected for employment, in a medical capacity for the care solely

or mainly of persons being members of any of the Polish resettlement forces or otherwise as mentioned in paragraph (i) of that subsection.

PART I.
—cont.

(3) In the case of such a person the time for application shall be a period of twelve months beginning with the passing of this Act.

(4) Registration of such a person shall be as a Commonwealth practitioner or as a foreign practitioner according to the place of grant of his recognised diploma or diplomas if he holds such, or, if he does not but holds a qualification of the said Polish School of Medicine, shall be as a foreign practitioner.

(5) Registration of such a person shall be provisional until his registration is confirmed by the Council on application in that behalf to their registrar in accordance with subsection (7) of this section.

(6) In relation to anything other than employment as mentioned in subsection (2) of this section or things done or omitted in the course thereof, a person whose registration is provisional shall, notwithstanding anything in subsection (4) of section one of this Act, be treated as if he were not registered.

(7) An application for confirmation of a provisional registration may be made at any time after the applicant has been registered under the provisional registration for six months, but not later than the expiration of a period of eighteen months beginning with the date of his provisional registration, and the Council shall confirm such a registration if, on his duly applying in that behalf, the person registered satisfies them that he has rendered satisfactory service in a medical capacity during the period of his provisional registration, but not otherwise.

(8) A person whose provisional registration has not been confirmed at the expiration of the said period of eighteen months shall cease to be registered at the expiration of that period unless an application for confirmation duly made by him is then pending, and in that case he shall, if his application is unsuccessful, cease to be registered at the time of its final determination (without prejudice, in either case, to the operation in the meantime of the provisions of the Medical Acts relating to the erasure of names from the register).

5. If an application for a direction for registration under section one of this Act, or for confirmation of a registration that is provisional under section four of this Act, is made after the expiration of the time for such an application, and the Council are satisfied that there was sufficient reason or excuse for its not having been made before the expiration of that time, the preceding provisions of this Act (other than the provisions of subsection (5) of section two and subsection (8) of section four extending periods of registration where applications are pending) shall have

Provisions
as to
applications
made out of
time.

PART I.
—cont.

effect as if the application had been made within that time, except that, in the case of an applicant under subsection (7) of section four of this Act whose provisional registration ~~has lapsed~~, there shall be substituted for the right thereby conferred to confirmation of the provisional registration on his satisfying the condition therein mentioned the right to have his name restored to the register on his satisfying that condition.

Registration
fees.

6. Where a direction for registration under section one of this Act is given, the right to registration pursuant thereto shall be subject to payment by the applicant of the fee for the time being determined by the Council for the registration of persons as Commonwealth practitioners or as foreign practitioners, as the case may be, under section eleven or twelve of the Medical Act, 1886.

Appeal to the
Privy Council
against refusal
of application.

7.—(1) If an application for a direction for registration under section one of this Act, or for confirmation of a registration that is provisional under section four of this Act, is refused, the registrar of the Council shall, if required by the applicant within one month from the date of notification to him of the refusal, state in writing the reason for the refusal, and the applicant may, within six months from the receipt by him of the statement, appeal to the Privy Council, and the Privy Council after communication with the Council, may dismiss the appeal or may order the Council to give the direction, or to confirm the provisional registration (or restore the applicant's name to the register), as the case may be :

Provided that no appeal shall lie under this section against a refusal of an application—

- (a) in a case in which the giving of a direction is conditional on the applicant's satisfying the Council that he holds some recognised Commonwealth or foreign diploma or diplomas, on the ground that a diploma held by him is not a recognised Commonwealth or foreign diploma ;
- (b) on the ground that the application was made after the expiration of the time for the application without sufficient reason or excuse.

(2) In relation to a refused application as to which an appeal lies under this section but as to which no requirement to the registrar to state the reason for the refusal is made within the period of one month mentioned in the preceding subsection, or as to which such a requirement is so made but no appeal is made within the period of six months therein mentioned, references in this Act to the time of final determination of an application shall be construed as references to the expiration of the month or of the six months, as the case may be.

8.—(1) In the case of a person who satisfies the Council that he is or intends to be in the United Kingdom temporarily for the purpose of employment in a medical capacity in a hospital or other institution approved by the Council for the purposes of this section, and that he holds some recognised Commonwealth or foreign diploma or diplomas, the Council may, if they think fit, give a direction that he shall be registered in the medical register under this section, and a person as to whom such a direction is given shall be registered in the medical register without examination in the United Kingdom.

PART I.
—*cont.*
Power to
register as
Common-
wealth or
foreign
practitioners
certain
persons in
the U.K.
temporarily for
employment
in hospitals.

(2) Where a direction for registration under this section is given, the Council may include therein a direction that the right to registration pursuant thereto shall be subject to payment by the person as to whom the direction is given of such fee as may be therein specified not being greater than the fee for the time being determined by the Council for the registration of persons as Commonwealth practitioners or as foreign practitioners, as the case may be, under section eleven or twelve of the Medical Act, 1886.

(3) Registration of a person under this section shall continue only whilst he is in such employment as is mentioned in the preceding subsection and on its termination (as to which, in case of doubt, the decision of the Council shall be conclusive) he shall cease to be registered under this section.

(4) Registration of a person under this section shall be as a Commonwealth practitioner or as a foreign practitioner according to the place of grant of his recognised diploma or diplomas.

(5) The provisions of the Medical Act, 1858, relating to persons registered under that Act, and relating to the medical register and offences in respect thereof, shall, so far as may be, apply in the case of persons registered under this section in the same way as those provisions apply in the case of persons registered under that Act and of the register as kept thereunder, but in relation only to employment as mentioned in subsection (1) of this section and to things done or omitted in the course thereof, and in relation to any other matter a person registered under this section shall be treated as if he were not registered.

9.—(1) In Part II of the Medical Act, 1886, for references to a colonial diploma and to a colonial practitioner, there shall be substituted references to a Commonwealth medical diploma and to a Commonwealth practitioner respectively, and references in any document to a colonial medical diploma and to a colonial practitioner shall be construed accordingly.

Substitution
of "Common-
wealth" for
"colonial" in
Part II of the
Medical Act,
1886.

(2) References in section two of this Act to registration as a Commonwealth practitioner and to a Commonwealth diploma shall be construed as if the preceding subsection had been in force at the time of the registration in question.

PART I.—*cont.*

Provisions
as to
interpretation
of Part I.

10.—(1) In this Part of this Act—

“the General Medical Council” means the Council established under section three of the Medical Act, 1858;

“medical capacity” means the capacity of a practitioner of medicine, surgery or midwifery.

(2) In this Part of this Act references to some “recognised Commonwealth or foreign diploma or diplomas” shall be construed as references to some diploma or diplomas recognised for the time being by the Council for the purposes of this Part of this Act as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery, references to a person’s holding some such diploma or diplomas shall include references to his having held such and also to his having passed the examinations necessary for obtaining such, and references to the place of grant of such shall be construed, in the case of a person who has passed such examinations but has not had a grant, as references to the normal place of grant of a diploma of the kind in question.

(3) The provisions of subsection (2) of section thirteen of the Medical Act, 1886 (which confers power on the Privy Council to order the Council to recognise a diploma for the purposes of that Act) shall apply as respects the recognition of a diploma for the purposes of this Part of this Act.

(4) Where under this Part of this Act registration of a person is to be as a Commonwealth practitioner or as a foreign practitioner according to the place of grant of his recognised diploma or diplomas, his registration shall be as the former if that place is within His Majesty’s dominions, in a British protectorate, or in any other country or territory under His Majesty’s protection or suzerainty or in which His Majesty has for the time being jurisdiction, and the latter if that place is elsewhere.

(5) References in this Part of this Act to Regulation 32B of the Defence (General) Regulations, 1939, shall include references both to the original Regulation of that number made on the twenty-fourth day of July, nineteen hundred and forty, and to the substituted Regulation of that number made on the eleventh day of September, nineteen hundred and forty-one.

PART II.**PHARMACISTS.**

Provision for
registration
as pharmacists
of persons
holding
qualifications
granted

11.—(1) The power of the Council of the Pharmaceutical Society of Great Britain to make byelaws under section two of the Pharmacy Act, 1852, shall include power to make byelaws as to the registration as pharmaceutical chemists or as chemists and druggists under the Pharmacy Act, 1852, and the Pharmacy Act, 1868, of persons holding or having held a diploma as a

pharmacist granted in a place outside the United Kingdom, or having passed the examinations necessary for obtaining such a diploma, providing for their registration (subject to such conditions as to character and otherwise as may be prescribed by the byelaws) either—

(a) without examination in the United Kingdom, and without satisfying any requirements to which they would be subject apart from this section under byelaws made by virtue of paragraph (a) or (c) of section four of the Poisons and Pharmacy Act, 1908 (which relate to preliminary practical training and to periods and courses of study) ; or

(b) subject to requirements as to examination in the United Kingdom, or to any such requirements as aforesaid, relaxed as compared with those to which they would be subject apart from this section.

(2) The provision to be made by virtue of this section may include provision requiring the payment, as a condition of registration, of such fee as may be prescribed by the byelaws :

Provided that no such requirement shall be imposed in the case of persons who, having been registered as pharmaceutical chemists or as chemists and druggists by virtue either of Regulation 32C of the Defence (General) Regulations, 1939, or of section five of the Polish Resettlement Act, 1947, are so registered at the expiration of the said Regulation and of the said section five.

(3) Such persons as are mentioned in the proviso to the last preceding subsection shall remain registered, notwithstanding the expiration of the said Regulation 32C and of the said section five, but subject to the provisions of the Pharmacy and Poisons Acts, 1852 to 1941, relating to the removal and erasure of names from the register, for a period of six months beginning with the passing of this Act.

(4) Paragraph (b) of section four of the Poisons and Pharmacy Act, 1908 (which confers power to provide by byelaws for the registration as pharmaceutical chemists or as chemists and druggists, without examination, of certain persons, including persons holding colonial diplomas) shall cease to apply to any person by virtue of his holding a colonial diploma, and accordingly the words " of any persons holding colonial diplomas or " in that paragraph are hereby repealed, and any byelaws made by virtue of that paragraph shall cease to have effect so far as regards registration of any person by virtue of his holding such a diploma, but without prejudice to any registration effected before the passing of this Act.

PART III.

SHORT TITLE.

12. This Act may be cited as the Medical Practitioners and Pharmacists Act, 1947.

PART II.
—cont.
outside the
United
Kingdom.
15 & 16 Vict.
c. 56.
31 & 32 Vict.
c. 121.

8 Edw. 7. c. 55.

CHAPTER 12.

Pensions (Governors of Dominions, &c.) Act, 1947.

ARRANGEMENT OF SECTIONS.

Section.

1. Provisions as to Governors' retirement at 55.
2. Increase of rates of Governors' pensions.
3. Increase of maximum amount of Governors' pensions.
4. Repeal of provisions for reducing amount of pensions payable in special cases.
5. Payments out of moneys provided by Parliament.
6. Short title, construction and citation.

SCHEDULE.—Enactments repealed.

An Act to amend the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1936. [18th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions as
to Governors'
retirement
at 55.

1 & 2 Geo. 5.
c. 24.

1.—(1) The age at which a pension may be granted under section one of the Pensions (Governors of Dominions, &c.) Act, 1911 (in this Act referred to as the "principal Act") to a person who has completed the requisite number of years' service as a Governor shall be fifty-five instead of sixty years; and, accordingly, the words "fifty-five" shall be substituted for the word "sixty"—

(a) in paragraph (a) of subsection (1) of section one of the principal Act;

(b) in subsection (1) of section nine of the principal Act (in both places where it occurs in that subsection so far as not repealed by this Act); and

(c) in subsection (1) of section three of the Pensions (Governors of Dominions, &c.) Act, 1936.

26 Geo. 5.
& 1 Edw. 8.
c. 25.

19 & 20 Geo. 5.
c. 16.

(2) Section two of the Pensions (Governors of Dominions, &c.) Act, 1929 (which makes provision for a Governor entitled to receive a pension under section one of the principal Act, who was, immediately before his appointment as Governor, employed in service in the permanent civil service of the State, to receive in lieu thereof a pension under the Superannuation Acts, 1834 to 1946) shall apply in the case of such a Governor who has not attained the age of sixty years, but who is entitled to

receive a pension under section one of the principal Act on the ground that he has completed the requisite number of years' service and has attained the age of fifty-five years, as if he had attained the age of sixty years.

(3) Where a person who, having served as a Governor, and having been employed in service in the permanent civil service of the State, has attained the age of fifty-five years, but is entitled neither to a pension under the principal Act nor to a pension under the Superannuation Acts, 1834 to 1946, by reason of his having neither completed the requisite number of years' service as a Governor nor attained the age of sixty years, the Treasury may grant to him a pension under those Acts as if he had attained the age of sixty years, and the provisions of subsection (1) of section five of the principal Act (which relates to the reckoning of Governor's service for such a pension) shall apply for the purpose of computing any such pension.

(4) No person shall, by virtue of section eight of the principal Act, be obliged, under pain of forfeiting all claim to any pension under that Act, to undertake any Governorship if he has attained the age of fifty-five years or to hold any Governorship or execute the duties thereof if he is of the full age of sixty years; and, accordingly, in the said section eight, for the word "sixty" there shall be substituted the words "fifty-five," and for the words "sixty-five" there shall be substituted the word "sixty."

2.—(1) For the purpose of calculating the amount of any pension under the principal Act, the unit of pension for every completed month's service as Governor shall be increased by one pound and, accordingly, paragraph (2) of section two of the principal Act, as amended by subsection (1) of section one of the Pensions (Governors of Dominions, &c.) Act, 1929, shall have effect as if for the words "six pounds", "five pounds", "four pounds" and "three pounds" there were therein substituted respectively the words "seven pounds", "six pounds", "five pounds" and "four pounds".

Increase of
rates of
Governors'
pensions.

(2) As respects any person who is serving as a Governor at the commencement of this Act, this section shall be deemed to have been in operation from the date of his appointment as Governor.

3.—As respects any pension granted under the principal Act after the passing of this Act, subsection (1) of section four of that Act (which specifies the maximum yearly amount of a pension under that Act), and subsection (2) of that section (which restricts the right of a person who is in receipt of any other pension in respect of employment in the service of the Crown to receive a pension under the principal Act or the full amount thereof), shall have effect with the substitution, for each reference therein to two thousand pounds, of a reference to two thousand three hundred pounds.

Increase of
maximum
amount of
Governors'
pensions.

Repeal of provisions for reducing amount of pensions payable in special cases.

4.—(1) So much of section nine of the principal Act and of section three of the Pensions (Governors of Dominions, &c.) Act, 1929 (under which pensions may be granted under the principal Act, and under the Superannuation Acts, 1834 and 1946, respectively in certain special cases) as requires a pension granted thereunder to be reduced by an amount depending on the length of the period between the date on which the pension becomes payable and the time at which the person to whom it is granted attains the age of sixty years shall cease to have effect; and, accordingly, the enactments set out in the second column of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) In relation to so much of any pension granted before the commencement of this Act under the said section nine or the said section three, or under either of those sections as applied by section three of the Pensions (Governors of Dominions, &c.) Act, 1936 (which provides for pensions in respect of Governor's service preceding service as Governor-General of the Sudan), as accrues due after the commencement of this Act, this section shall be deemed to have been in operation immediately before the pension was granted.

Payments out of moneys provided by Parliament.

5. There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums which under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1936, or under the Superannuation Acts, 1834 to 1946, are payable out of moneys so provided.

Short title, construction and citation.

6. This Act may be cited as the Pensions (Governors of Dominions, &c.) Act, 1947, and shall be construed as one with the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1936; and those Acts and this Act may be cited together as the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947.

Section 4

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5. c. 24.	The Pensions (Governors of Dominions, &c.) Act, 1911.	In section nine, in subsection (1), the words from "but in such a case" to the end of the subsection.
19 & 20 Geo. 5. c. 16.	The Pensions (Governors of Dominions, &c.) Act, 1929.	In section three, in subsection (1), the words from "subject, save as hereinafter provided," to the end of the subsection, and subsection (2).

CHAPTER 13.

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund and for other purposes relating to local loans. [18th December 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of two hundred and fifty million pounds. Grants for public works.

(2) The sums so issued shall be issued during a period beginning with the passing of this Act and ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict.
c. 16.

2. The period aforesaid shall be an "issue period" within the meaning of section two of the Public Works Loans (No. 2) Act, 1946 (which makes provision as to undertakings by the Public Works Loan Commissioners to grant loans), and the aggregate of— Limit on commitments by Public Works Loan Commissioners.
9 & 10 Geo. 6.
c. 75.

(a) the commitments of the said Commissioners outstanding at any time during the said issue period in respect of undertakings entered into by them (whether during or before the beginning of that period) to grant local loans, and

(b) the advances in respect of local loans made by the said Commissioners during that period up to that time, shall not exceed the sum of four hundred million pounds.

3. Whereas it is expedient that the principal of the several local loans specified in the table contained in Part I of the Schedule to this Act should, to the extent specified in the last column of that table, not be reckoned as assets of the Local Loans Fund established under the National Debt and Local Loans Act, 1887 : Certain debts not to be reckoned as assets of Local Loans Fund.

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the Local Loans Fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of
interest of
local loan.

4. Whereas the principal of the local loan specified in the table contained in Part II of the Schedule to this Act has been repaid, and arrears of interest, of the amount specified in the last column of that table, are irrecoverable :

Now, therefore, the said arrears of interest shall be remitted.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1947.

Section 4

SCHEDULE.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE AGRICULTURAL CREDITS ACT, 1923.

PART I.

<i>Name of Borrower.</i>	<i>Amount of Loan.</i>	<i>Amount to be written off.</i>
	£	£ s. d.
Mr. James Baxter	2,300	2,229 15 0
Mr. Thomas Cook	19,275	9,456 1 6
Mr. Ernest William Nickerson and Mr. Charles Alfred Peck	7,500	485 9 8
Mr. Thomas Ford Robinson ...	13,207	4,797 1 2

PART II.

<i>Name of Borrower.</i>	<i>Amount of Loan.</i>	<i>Amount of interest to be remitted.</i>
	£	£ s. d.
Mr. Alexander Fowlie and Mrs. Mary Ann Fowlie	1,785	400 7 7

TABLE III.

A

CHRONOLOGICAL LIST

OF

THE SHORT TITLES OF THE MEASURES

**PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH
OF ENGLAND WHICH RECEIVED THE ROYAL
ASSENT DURING THE YEAR
1947.**

10 & 11 Geo. 6.

No. 1. The Incumbents (Discipline) Measure, 1947, p. ii.

No. 2. The Church Commissioners Measure, 1947, p. xiii.

No. 3. The Parsonages (Amendment) Measure, 1947, p. xxvi.

10 & 11 GEO. 6.

No. I.

A MEASURE passed by the National Assembly of the
Church of England

To amend the law for the enforcement of Church
discipline in the case of incumbents.

[18th February 1947.]

Definitions.

1. For the purposes of this Measure—

- (1) the expression “benefice” comprehends all rectories with cure of souls vicarages perpetual curacies endowed public chapels and parochial chapelries and chapelries or districts belonging or reputed to belong or annexed or reputed to be annexed to any church or chapel and districts formed for ecclesiastical purposes by virtue of statutory authority and includes benefices in the patronage of the Crown or of the Duchy of Cornwall but does not extend to any of His Majesty’s Royal Chapels or to any Royal peculiar nor to any cathedral or capitular preferment or dignity nor to any chapel belonging to any college school hospital inn of court asylum or public or charitable institution nor to any private chapel ;
- (2) the expression “bishop” means the bishop of the diocese in which the benefice concerned is situate ;
- (3) the expression “incumbent” includes in relation to a benefice a rector with cure of souls, vicar, perpetual curate, curate in charge or minister ;
- (4) the expression “Ministerial Committee” means the Ministerial Committee constituted under the Incumbents (Disability) Measure 1945 ;
- (5) the expression “patron” in relation to any benefice means the person or persons who would for the time being be entitled otherwise than by lapse, to present or collate to that benefice, if it were then vacant, and includes—

(i) in any case where the right to present or collate is vested in different persons jointly, every person

8 & 9 Geo. 6.
No. 3.

whose concurrence would be required for the exercise of the joint right ; and

(ii) in any case where the patronage is vested in different persons by way of alternate or successive rights of presentation or collation, every person who would be entitled to present or collate on the next, or any successive turn.

(6) the expression "prescribed" means prescribed by rules made in pursuance of this Measure ;

PART I.

GENERAL PROVISIONS.

2. Proceedings may be instituted under this Measure against the incumbent of any benefice in respect of conduct unbecoming the character of a clerk in Holy Orders or of serious, persistent or continuous neglect of duty, whether or not cognisable under the Clergy Discipline Act, 1892, or any other Act or Measure ; but not

Subject matter of proceedings

55 & 56 Vict. c. 32.

(i) in respect of any act or omission which took place more than three years before the complaint in writing made under section four of this Measure ; nor

(ii) in respect of any question of doctrine, ritual or ceremonial, or of the social or political opinions of the incumbent.

3. Any of the following persons shall be qualified to institute proceedings against an incumbent under this Measure :—

Persons qualified to take proceedings

(i) any person appointed for the purpose on each occasion by the bishop ;

(ii) a churchwarden of any parish in which the incumbent has the cure of souls ;

(iii) the patron of any benefice held by the incumbent ;

(iv) any three communicant members of the Church of England of twenty-one years of age and upwards on the electoral roll of any parish in which the incumbent has the cure of souls.

4.—(1) Any qualified person desirous of instituting proceedings under this Measure shall in the first instance make a complaint in writing to the bishop, who shall then consider whether he can deal with it satisfactorily without recourse to proceedings under this Measure.

Preliminary consideration by bishop.

(2) If after giving the incumbent an opportunity of discussing the complaint with him the bishop is of the opinion that the matter should be considered by the Ministerial Committee he may refer the complaint to that Committee and shall inform

the incumbent of the names of its ordinary and reserve members, and if the incumbent within seven days shall state to the bishop in writing any objection to one or more members, the bishop may, if he approve the reasons for such objection, disqualify such member or members from serving on that occasion.

Ministerial
Committee to
investigate
complaint

5.—(1) If a complaint be referred by the bishop to the Ministerial Committee, they shall consider the same and shall invite the incumbent concerned and the complainant to confer with them, either separately or together, and after such conference or after there has been a reasonable opportunity for such conference, the Ministerial Committee shall in writing either—

- (i) inform the bishop, the complainant and the incumbent that in their opinion there is nothing in the complaint which would justify further proceedings; or
- (ii) request the complainant to specify his charges in the prescribed manner for trial by a Special Court constituted in manner laid down by the Schedule hereto and notify the incumbent that such request has been made.

(2) Either the incumbent or the complainant may, if he so desires, be assisted or represented by a friend or adviser at any meeting of the Ministerial Committee at which he is invited to be present.

(3) Every meeting of the Ministerial Committee under this Measure shall be held outside the parish of the incumbent concerned.

Report of
Ministerial
Committee.

6.—(1) If the complainant at the request of the Ministerial Committee shall within one month specify his charges in the prescribed manner the Committee shall consider the same and shall if in their opinion any of the charges should be tried by a Special Court, send a copy thereof to the bishop with a recommendation that the charges be so dealt with.

Provided that the Ministerial Committee shall not recommend that any charge be tried by such Special Court unless at least four members of the Committee shall have voted in favour of such recommendation.

(2) Copies of the report made to the bishop shall be sent by the Ministerial Committee to the incumbent and to the complainant at the same time as the report is sent to the bishop.

Incumbent's
reply to charges
and notice by
bishop of inten-
tion to proceed.

7.—(1) Within fifteen days after receiving the report of the Ministerial Committee, or within such extended period as the bishop may allow, the incumbent shall deliver to the bishop his answer to the charges in the prescribed manner.

(2) At any time within fifteen days after the expiration of the period allowed to the incumbent for replying to the charges the bishop may give to the complainant and to the incumbent notice of his intention to refer the charges to a Special Court constituted in accordance with the provisions of the Schedule hereto.

8.—(1) At any time before the expiration of fifteen days from the date of service of the notice required by subsection (2) of the last preceding section the incumbent may in writing request the bishop himself to deal with the charges, and, after consultation with the complainant, the bishop, if willing himself to deal with the charges, shall not constitute a Special Court, but after giving the complainant and the incumbent an opportunity of conferring with him separately or together and after considering the charges in person shall decide whether any of them has been admitted or proved. Personal investigation by bishop.

(2) In a case in which charges are dealt with by the bishop in person under this section—

- (i) the proceedings shall be private and informal, and shall be conducted in such manner as the bishop may think fit ;
- (ii) if the bishop shall decide that any of the charges are established, he may exercise any of the powers given to him by section ten of this Measure ;
- (iii) there shall be no appeal against any decision by the bishop nor against any exercise of his powers under section ten of this Measure in consequence of such decision ;
- (iv) the bishop shall give public notice in such manner as he thinks fit both of his decision and of the manner in which he intends to exercise his powers under section ten of this Measure.

(3) In any other case, the charges shall be referred by the bishop to a Special Court constituted in accordance with the Schedule of this Measure, and in that event the bishop shall authorise the complainant or with the consent of the complainant any other person or persons to conduct the proceedings as promoter.

9.—(1) The bishop shall give not less than fifteen days' notice to the promoter and the incumbent of the time and place at which he shall have directed a Special Court to meet for the hearing of the charges. Proceedings of Special Court.

(2) The Special Court shall inquire into and report to the bishop upon the charges made by the promoter.

- (3) A Special Court shall have the same powers of administering oaths and of requiring the production of documents as are exercisable by the High Court of Justice.
- (4) The proceedings of a Special Court shall be public except that—
- (i) the Court may of its own motion or at the request of either party, direct that any of the evidence shall be heard in private, and
 - (ii) at the request of both parties, the whole of the proceedings may, if the Court so direct, be held in private.
- (5) The decision of the Court shall be that of the majority of its members, and shall be delivered by the president of the Court. It shall state what charges, if any, have been admitted by or proved against the incumbent, and the opinion of the Court as to the gravity or otherwise of any charges admitted or proved. Copies of the report shall be sent at the same time to the incumbent and to the promoter.
- (6) The Court shall have power at any stage of the proceedings to order the promoter to give security for costs.
- (7) After trial of the charges the Court shall have power at its discretion to make an order for payment of costs against either party and such costs shall be recoverable in the prescribed manner.
- (8) Any interlocutory application may be dealt with by the president of the Court sitting alone.
- (9) Subject to the foregoing provisions of this section the procedure of a Special Court shall be regulated by rules made under section fourteen of this Measure.

**Powers of
bishop.**

10.—(1) If the bishop, acting under section eight of this Measure, decide or the Special Court report that any charge brought against the incumbent has been proved, the bishop shall have the following powers (in this Measure referred to as "the bishop's powers"), and such powers shall, subject to the provisions of this Measure, be exercisable by him in his discretion, that is to say :—

- (i) Power to pronounce censure upon the incumbent ;
- (ii) Power within six months after the receipt of the report of the Special Court or, if an appeal be filed, after receipt of notice of the withdrawal or determination thereof, to inhibit the incumbent from discharging all or any of the duties of any benefice held by the incumbent for a period not exceeding three years ;

(iii) Power, with the concurrence of at least five members of the Ministerial Committee, either immediately or at any time during the continuance of an inhibition to declare any benefice held by the incumbent vacant for all purposes ;

(2) The bishop shall cause a copy of every inhibition issued by him and of every declaration declaring a benefice vacant made by him under this section to be filed forthwith in the diocesan registry.

11. Within fourteen days after the bishop shall have received the report of the Special Court, the bishop shall give public notice in such manner as he thinks fit, of the manner in which he intends to exercise the bishop's powers and shall give notice of the same in writing to the incumbent and to the promoter but shall not exercise any of the same until the expiration of a period of twenty-eight days calculated from the day on which he has given such notice ; or if an appeal has been entered under section twelve of this Measure until such appeal has been withdrawn or determined.

Notice of intention to exercise bishop's powers.

12.—(1) At any time within twenty-one days after notice has been given by the bishop of the manner in which he intends to exercise his powers under this Measure the incumbent may appeal in the prescribed manner against any decision of a Special Court or, subject to the provisions of paragraph (iii) of subsection (2) of section eight of this Measure, against the exercise of the bishop's powers in the manner of which he has given notice, to an Ecclesiastical Court of the Province (in and for the purposes of this Measure only called the Provincial Court) constituted in accordance with Canons passed respectively by the Convocations of the Provinces of Canterbury and York and duly promulged, and the bishop shall not in the case under appeal exercise the bishop's powers until the appeal has been withdrawn or determined.

Appeals.

(2) The appeal to the Provincial Court shall be final.

(3) Either party to a case under this Measure may at any time within twenty-one days appeal to the Provincial Court against any order or judgment of a Special Court in respect of any matter of law.

(4) No appeal against any interlocutory order or judgment under this Measure on a matter of procedure only shall be allowed except by leave of the Special Court.

13.—(1) An appeal in the Provincial Court shall be heard on the note of the case taken by the president of the Special Court or by his direction, or on such other note of the case as

Procedure on Appeal.

the Provincial Court may allow : Provided that the Provincial Court may—

- (i) summon any witness heard at the trial to give evidence with respect to the case ; and
- (ii) allow any new evidence with respect to the case.

(2) The Provincial Court may confirm, vary or annul the decision of the Special Court and may confirm, vary or annul the decision of which the bishop has given notice under section eleven of this Measure, as to the manner in which he intends to exercise the bishop's powers, and the bishop shall then exercise his powers accordingly.

(3) The Provincial Court may, at its discretion, make an order for costs against either party, and such costs shall be recoverable in the same manner as costs in a Special Court.

(4) Subject to the foregoing provisions of this section the procedure of the Provincial Courts shall be regulated by rules made in accordance with the provisions of section fourteen of this Measure.

Rules.

14.—(1) Subject to the provisions of this Measure a Rule Committee appointed by the Church Assembly may make rules for carrying this Measure into effect and for all matters not otherwise provided for incidental to or connected with the administration of justice under this Measure and in particular for regulating—

- (i) the procedure of Special Courts constituted under this Measure in all matters for which provision is not made in this Measure including a change of promoter ;
- (ii) the appointment and duties of officers of Special Courts ;
- (iii) matters relating to costs, fees and expenses in respect of proceedings under this Measure ;
- (iv) the time within which any act required or permitted to be performed by this Measure is to be performed ;
- (v) the remuneration of the officers of Special Courts and the expenses of those Courts ;
- (vi) the fees of the diocesan registrar in respect of duties imposed on him by this Measure or by any rule made thereunder ;

(2) Every rule purporting to be made in pursuance of this section shall be laid before the Church Assembly at its next session and shall not come into operation until it shall have been approved by the Church Assembly.

(3) Every rule purporting to be made in pursuance of this section shall forthwith be laid before both Houses of Parliament,

and if an Address be presented to His Majesty the King by either House within the next twenty days thereafter on which that House has sat praying that any such rule may be annulled, His Majesty in Council may annul the same, without prejudice to the validity of anything done in the meantime in pursuance thereof, but subject as aforesaid every such rule shall while unrevoked be of the same validity as if contained in this Measure.

PART II.

PROVISIONS CONSEQUENTIAL ON INHIBITION.

15. If the bishop, acting in accordance with section ten of this Measure, shall have inhibited an incumbent, he shall have power during the period of such inhibition to appoint and license a curate or curates, and to make temporary provision for the discharge of the duties of the benefice with, in each case, remuneration paid in accordance with the provisions of Part II of the Incumbents (Disability) Measure 1945, and such provisions shall apply to such case as if references therein to that Measure were references to this Measure.

Discharge of
the duties of
the benefice
and payment
therefor.

16. In any case in which an incumbent is inhibited under this Measure from discharging all or any of the duties attaching to his benefice :—

Application
of benefice
income.

- (i) the bishop shall sequester the profits of the benefice which shall be applied under such sequestration for the purposes for which the same shall for the time being be applicable either under the provisions of this Measure or otherwise ;
- (ii) sequestrators appointed under the provisions of the last preceding paragraph of this section shall during any inhibition render half yearly accounts to the bishop and shall send a copy thereof to the incumbent ;
- (iii) any part of the income of any benefice which the incumbent thereof is under this Measure disqualified from receiving shall, after the payment of any curate or curates appointed by the bishop, and of any other expenses necessarily incurred, be added to the endowment capital of the benefice concerned.

17. In any case in which an incumbent is inhibited under this Measure from discharging all or any of the duties attaching to his benefice :—

Restrictions
on incumbent.

- (i) he shall not interfere with any curate in the discharge of any of the said duties :—
- (ii) he shall not reside in or occupy any parsonage house belonging to the benefice :—

Provided that—

- (a) he shall not be liable to any penalty or forfeiture for non-residence, and

(b) the bishop may for special reasons permit him to reside in or occupy such parsonage house or some part thereof ;

(iii) subject to any direction to the contrary given by the bishop, he shall not receive any part of the income of the benefice while he remains resident within a distance of ten miles from the parish or other principal church of the parish or other area in which he had the cure of souls.

Occupation of
parsonage
house by
curate.

18.—(1) A bishop who has appointed a curate under this Measure to discharge the duties of any benefice may require such curate to reside in the parsonage house belonging to the benefice, and may assign to him the use of such parsonage house, together with the offices, gardens and appurtenances thereto belonging or any part or parts thereof, without payment of any rent.

(2) A curate residing in the parsonage house of a benefice under the provisions of this section shall be liable to pay the rates payable in respect of such parsonage house and such part of the assessments in respect thereof under the Ecclesiastical Dilapidations Measures, 1923 to 1929, as the Diocesan Dilapidations Board may decide to be reasonable, and the sequestrators appointed during any inhibition under this Measure shall have power to deduct from the stipend of such curate any payments for which he shall be liable under this subsection.

(3) The bishop shall have power in any case in which possession of the premises assigned to a curate under the provisions of this section is not given up to him, and until such possession shall be given up, to direct that the profits of the benefice arising from the sequestration thereof under this Measure be applied, subject to the provisions hereof, as if the same arose under a sequestration for non-residence.

(4) A right of residence and any other right vested in a curate under the provisions of this section shall determine upon the determination of his curacy.

Rights of
patronage.

19. In any case in which an incumbent is inhibited under this Measure from discharging all or any of the duties attaching to his benefice any right of patronage vested in him by virtue of his benefice shall while he is so inhibited vest in the patron of his benefice, or if he be himself the patron, in the archbishop of the province in which his benefice is situate.

Power to
determine
appointment
of curates and
inhibitions.

20. The bishop shall have power to rescind any appointment of a curate or inhibition under this Measure, but shall not determine the appointment of any curate under this Measure except after such notice as shall be specified in the licence granted him by the bishop.

PART III.

SUPPLEMENTARY PROVISIONS.

21. Any notice or other document required to be sent or **Notices.** given under this Measure shall be deemed to have been duly sent or given if sent through the post in a prepaid registered letter addressed in the case of an incumbent to the parish or place whereof he is incumbent.

22. The bishop may act as bishop for the purposes of this **Bishop as** Measure in relation to the incumbent of a benefice of which the **patron.** bishop is patron.

23. A person appointed by the bishop to act as promoter **Application of** under this Measure shall be deemed to be a person acting in ^{26 Geo. 5. &} the bishop's stead within the meaning and for the purposes of ^{1 Edw. 8.} section nine of the Ecclesiastical Commissioners (Powers) Measure, ^{No. 5.} 1936, and proceedings under this Measure before a Special Court or on appeal shall be deemed to be legal proceedings within the meaning and for the purposes of such section.

24. This Measure may be cited as the Incumbents (Discipline) **Short title.** Measure, 1947.

25. This Measure shall extend to the whole of the Provinces **Extent.** of Canterbury and York except the Channel Islands and the Isle of Man, but may at any time before the expiration of two years from the date declared under section one of the Emergency ^{8 & 9 Geo. 6.} Legislation Measure, 1944, to be the date on which the emergency ^{No. 1.} that was the occasion of the passing of the Clergy (National ^{2 & 3 Geo. 6.} Emergency Precautions) Measure, 1939, came to an end be ^{No. 3.} applied to the Channel Islands, or either of them, as defined in the Channel Islands (Church Legislation) Measure, 1931, ^{21 & 22 Geo. 5.} in accordance with the procedure set out in the schedule to ^{No. 4.} that Measure.

26.—(1) Subject to the provisions of this section, this Measure **Commence-** shall come into force on the appointed day which shall be such **ment.** day as the Archbishops of Canterbury and York shall jointly determine.

(2) The determination by the Archbishops of Canterbury and York of the appointed day shall be notified in the London Gazette.

(3) The provisions of this Measure relating to the constitution of a Rule Committee shall come into force on the passing of the Measure.

27. Parts I and III of the Benefices (Ecclesiastical Duties) **Repeal.** Measure, 1926, are hereby repealed. ^{16 & 17 Geo. 5.} ^{No. 8.}

Section 7

SCHEDULE.

CONSTITUTION AND PROCEDURE OF SPECIAL COURTS.

1. A Special Court shall consist of five persons of whom one shall be the person holding the office of judge of the Consistory Court of the diocese who shall be the President of the Court ; but if he be unwilling or unable to act he may nominate to the bishop a barrister of not less than ten years standing and the person so nominated shall then be the President of the Court. Provided that the President of the Court shall constitute a Special Court when sitting alone to deal with interlocutory applications.


2. Of the other four persons two shall be clerks in Holy Orders chosen by rota from a panel of not less than six clerks in Holy Orders elected by the clerical members of the diocesan conference in the manner provided by paragraph four of this Schedule, provided that no member or reserve member of the Ministerial Committee shall be eligible to serve on this panel.

3. The remaining two persons shall be lay persons chosen by rota from a panel of not less than six lay persons elected by the lay members of the diocesan conference in the manner provided by paragraph four of this Schedule.

4. When it is proposed to elect a clerk or lay person to either panel the secretary of the diocesan conference shall send a notice to the clerical or lay members of the conference (as the case may be) inviting nominations which must reach him not later than fourteen days from the date of posting of such notice after which a voting paper setting out the names of the persons nominated shall be sent to such members by the secretary of the conference returnable to him not later than fourteen days from the date of the posting of such voting papers.

5. Persons elected to serve on either panel shall hold office for five years and shall be eligible for re-election.

6. Subject to rules made under section fourteen of this Measure it shall be the duty of the president to conduct the proceedings of a Special Court in accordance so far as may be with the practice of the High Court of Justice.



No. 2.

A MEASURE passed by the National Assembly of the Church of England.

To promote the more efficient and economical administration of the resources of the Church of England by uniting the Corporation of the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, founded by charter under the Great Seal in the year 1704, and the Ecclesiastical Commissioners for England originally established in the year 1836 by the statute 6 and 7 William the Fourth, chapter 77. [2nd April 1947.]

1.—(1) For the purpose of uniting Queen Anne's Bounty with the Ecclesiastical Commissioners there shall be established, by the name of the Church Commissioners for England, a body corporate having perpetual succession and a common seal and power to acquire and hold land without licence in mortmain. Establishment of the Church Commissioners.

(2) The said body (hereafter in this Measure referred to as "the Commissioners") shall be constituted in accordance with the provisions of the First Schedule to this Measure, and may for all purposes be referred to as the "Church Commissioners."

2. On the appointed day Queen Anne's Bounty and the Ecclesiastical Commissioners (hereafter in this Measure referred to as "the constituent authorities") shall be dissolved and— Transfer of functions and property.

(a) all functions, rights and privileges of either of them shall be transferred to, and become functions, rights and privileges of, the Commissioners ;

(b) all property vested in either of them shall be transferred to, and shall by virtue of this section and without any conveyance, assignment, transfer or other assurance vest in, the Commissioners : and

(c) all property held in trust for either of them shall be held in trust for the Commissioners :

Provided that a vesting of property by virtue of paragraph (b) of this section shall not affect any previously existing trust or mortgage or other charge affecting the property, or any previously existing lease or tenancy thereof.

3. The business of the Commissioners, except the exercise of powers which, under this or any other Measure or any enactment, are required to be exercised at a general meeting of the Commissioners, shall be transacted in accordance with the provisions Method of business.

of this Measure by a Board of Governors (hereafter in this Measure referred to as "the Board"), the Church Estates Commissioners appointed under the Ecclesiastical Commissioners Act, 1850, and an Estates and Finance Committee.

General
meetings of
the Commis-
sioners.

4.—(1) The Archbishop of Canterbury shall be the chairman of the Commissioners and, if at any general meeting thereof he is not present, such member as the members present may elect shall act as chairman.

(2) The Commissioners shall in every financial year hold an annual general meeting for the purpose of—

- (a) considering, and, if thought fit, passing resolutions with respect to, the annual report and accounts of the Commissioners and any other matters which may be brought before the meeting by the Board, or which the chairman, upon a request submitted to the secretary by any member, may have authorised the secretary to include in the notices of business to be considered;
- (b) appointing, in a year when any such appointment falls to be made, persons to serve as members of the Board;
- (c) appointing persons to serve as members of the Estates and Finance Committee; and
- (d) considering and, if thought fit, adopting the recommendations of the Board as to the allocation of such moneys as the Board may report to be available.

(3) The annual general meeting shall be called by the chairman so soon as conveniently may be after the audit of the Commissioners' accounts for the preceding financial year has been completed.

(4) The chairman may call such other general meetings of the Commissioners as he deems necessary and he shall, so soon as reasonably practicable, call a meeting if ten or more members give to the secretary notice in writing that they desire a meeting to be called to consider matters specified in the notice.

(5) Not less than twenty-eight days before any general meeting, notice of the day, hour and place appointed therefor, and not less than ten days before any general meeting notice of the business to be considered thereat, shall be sent by post to every member.

Constitution
and functions
of Board of
Governors.

5.—(1) The Board shall be constituted in accordance with the provisions of the Second Schedule to this Measure.

(2) The Archbishop of Canterbury shall be the chairman of the Board and, if at any meeting thereof he is not present, such member as the members present may elect shall act as chairman.

(3) Subject to the provisions of this Measure, all the functions and business of the Commissioners shall be exercised and transacted by the Board.

(4) The Board shall have power—

(a) to refer for consideration and report any matter within their jurisdiction to the Estates and Finance Committee, or to any other committee consisting of Commissioners which the Board may appoint for the purpose ;

(b) to authorise the Estates and Finance Committee, or any other such committee as aforesaid, to do and complete any matter on behalf of the Board ;

(c) to make general rules for the direction and guidance of the Estates and Finance Committee or any committee appointed by the Board, as to the matters and acts to be considered and done by that committee, and as to the general principles upon which that committee shall act in carrying out such functions as may from time to time be delegated to them by the Board.

(5) The like notice of the business to be considered at a meeting of the Board as is given to members of the Board shall be given also to diocesan bishops who are not members thereof.

6.—(1) The three Church Estates Commissioners appointed from time to time under section one of the Ecclesiastical Commissioners Act, 1850, shall, together with the persons appointed under the next succeeding subsection constitute a committee, to be known as the Estates and Finance Committee. They shall, subject to the provisions of subsection (3) of this section, be joint Treasurers of the Commissioners and shall be ex officio members of any committee appointed by the Board.

Church
Estates
Commis-
sioners and
Estates and
Finance
Committee.
13 & 14 Vict.
c. 94.

(2) The Commissioners shall in every year at their annual general meeting appoint not less than two or more than four of their number to be additional members of the Estates and Finance Committee, one half at least of the persons so appointed being laymen who are Commissioners otherwise than in right of office.

(3) The Estates and Finance Committee shall have the same functions in relation to the property and business of the Commissioners as the Estates Committee constituted under section seven of the said Act of 1850 had in relation to the property and business of the Ecclesiastical Commissioners immediately before the appointed day, and, accordingly, sections eight and nine of that Act and section two of the Ecclesiastical Commissioners Act, 1866, as set out with consequential adaptations in the Third Schedule to this Measure, shall continue to have effect :

Provided that during a vacancy in the office of one of the Church Estates Commissioners or for any other cause which he may think sufficient, the Archbishop of Canterbury may from time to time appoint one of the additional lay members of the Estates and Finance Committee to act as an additional joint Treasurer during such period as the said Archbishop shall determine, and while such appointment is in force the person so appointed shall be entitled to exercise the powers of a Church Estates Commissioner for any purpose for which the presence or concurrence of two or more Church Estates Commissioners is required by the said Acts.

(4) In addition to any other powers conferred on them by this Measure, but, subject to any general rules made by the Board, the Estates and Finance Committee shall have full and exclusive power to exercise and discharge in the name of the Commissioners all functions of the Commissioners in matters relating to—

- (a) the making, realisation and change of investments; and
- (b) the appointment, terms of service, dismissal and direction of the Commissioners' officers, solicitors and agents and control over the expenses of administration: provided that this paragraph shall not apply in relation to the secretary of the Commissioners.

It shall also be the duty of the Committee to act on behalf of and in the name of the Commissioners in any matter which in their opinion is urgent, but they shall report any such action to the Board at the next meeting thereof.

(5) The receipt of any two of the joint Treasurers, or the receipt of any one of them countersigned by the accountant of the Commissioners, or by some other officer authorised in that behalf by the Estates and Finance Committee, shall be a good and sufficient discharge for any money due and payable to the Commissioners.

(6) The provisions of any enactment or Measure relating to the payment of salaries and pensions to Church Estates Commissioners shall continue to have effect with the substitution of references to the Board and to the general fund of the Commissioners for references to the Ecclesiastical Commissioners and to their common fund.

Procedure.

7.—(1) The provisions of the Fourth Schedule to this Measure shall have effect with regard to the meetings and procedure of the Commissioners and of the Board and of any committee constituted by or under this Measure.

(2) Subject as aforesaid and to any other provisions of this Measure—

- (a) the Commissioners may regulate their own procedure and may from time to time at any general meeting make, vary and revoke Standing Orders for the purpose ;
- (b) the Board may from time to time make, vary and revoke Standing Orders for regulating the procedure of the Board or of any Committee of the Board and subject to any such Standing Orders the Board and any such committee may regulate their own procedure ;
- (c) the Estates and Finance Committee may regulate their own procedure and may from time to time make, vary and revoke Standing Orders for the purpose.

8.—(1) The Commissioners shall from time to time at any general meeting appoint a secretary upon such terms as they may think fit. Secretary,
agents and
other officers.

(2) The Estates and Finance Committee shall from time to time in exercise of their powers under section six of this Measure appoint such other officers and such solicitors and agents as they deem necessary for the proper discharge of the functions of the Commissioners.

(3) The proviso to section seven of the Ecclesiastical Commissioners Act, 1836 (which authorises the Treasury to regulate the amount of the salaries of the officers employed by the Ecclesiastical Commissioners) shall not apply in relation to the officers employed by the Commissioners. 6 & 7 Will. 4.
c. 77.

9.—(1) The common seal of the Commissioners shall be judicially noticed and shall be authenticated by the signature of the secretary, or of some other officer of the Commissioners authorised by the Board to act in that behalf. Seal of the
Commis-
sioners.

(2) Every document purporting to be sealed with the said seal and to be authenticated by the signature of the secretary, or of a person so authorised to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof, unless evidence to the contrary is given.

10.—(1) The financial year of the Commissioners shall commence on the first day of April. Finance.

(2) The accounts of the constituent authorities current on the first day of October preceding the appointed day shall not be required to be closed on the days on which, but for this Measure, they would have been closed, but shall be kept open (or, if necessary, reopened) and continued until the day preceding the appointed day and at the end of that preceding day shall be closed and made up.

(3) The said accounts shall be audited by the persons and in the manner by whom and in which annual accounts of the authority in question were required to be audited, but shall be laid by the Board before the Commissioners at their first annual general meeting (which shall be held as soon as conveniently may be after the audit has been completed) and section twelve of this Measure shall, with any necessary adaptations, apply in relation to those accounts (including the auditors' reports thereon).

(4) As from the appointed day, the Commissioners shall keep a general fund to which shall be transferred on the appointed day any balances on income account from the common fund of the Ecclesiastical Commissioners and from the corporate fund of Queen Anne's Bounty.

(5) Any trust or other fund previously maintained by either of the constituent authorities as a separate fund shall be continued and maintained as a separate fund by the Commissioners: provided that funds maintained by the two constituent authorities for the same objects or purposes may be amalgamated.

(6) Subject to the last preceding subsection, the Commissioners shall carry all income received in respect of property and funds held by them into their general fund, and shall discharge thereout all trusts and commitments to which that income or any part thereof is subject and all expenses and obligations falling upon the Commissioners in the due discharge of their functions, and the balance from time to time thereafter remaining in the said fund shall be available for any purpose for which, but for this Measure, any surplus of the common fund of the Ecclesiastical Commissioners or of the corporate fund of Queen Anne's Bounty would have been available.

**Accounts
and audit.**

11.—(1) The Commissioners shall cause such accounts to be kept as may be required for the due performance and discharge of their functions.

(2) The accounts of the Commissioners shall in every year be audited in such manner and by such person as the Treasury may direct, and the auditor's report thereon shall for the purposes of the next succeeding section be deemed to form part of the accounts.

**Annual
report and
accounts to
be laid before
Parliament
and Church
Assembly.**

12.—(1) So soon as may be after the close of every financial year the Board shall prepare a report of the work and proceedings of the Commissioners during that year, and shall present the report and accounts for that year to the Commissioners at their annual general meeting.

(2) Within thirty days after such meeting the secretary shall transmit the report and accounts, together with a copy of any resolution passed by the Commissioners with reference thereto.

to the Secretary of State for the Home Department, who shall lay copies of the report, accounts and resolution, if any, before both Houses of Parliament.

(3) Within the same period the secretary shall also send copies of the said documents to the secretary of the Church Assembly, who shall lay them before the Assembly.

13.—(1) No proceedings or cause of action pending or existing immediately before the appointed day by or against either of the constituent authorities shall abate, be discontinued or in any way prejudicially affected by this Measure, but any such proceedings may be continued and enforced by or against the Commissioners. Pending and existing proceedings and contracts, etc.

(2) All contracts, bonds, agreements and other instruments subsisting immediately before the appointed day and affecting either of the constituent authorities shall be of as full force and effect against, or in favour of, the Commissioners and may be enforced as fully and effectually as if the Commissioners had been a party thereto instead of the constituent authority.

14.—(1) Where any stock is standing in the books of a company in the name of either of the constituent authorities, a request by the secretary of the Commissioners and production of a copy of this Measure printed by or for the King's Printer of Acts of Parliament shall be a sufficient authority to the company to transfer the stock into the name of and to pay dividends on the stock to, the Commissioners. Transfer of stock.

(2) In this section the expression—

“company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed; and

“stock” includes any share, annuity or other security.

15.—(1) On the appointed day every officer of either of the constituent authorities shall be transferred to, and become an officer of the Commissioners. Transfer of Officers.

(2) The Commissioners may assign to any such officer (hereafter in this Measure referred to as a “transferred officer”) such duties as they think fit; but he shall not be in any worse position as respects tenure of office, conditions of service or salary than he would have been if this Measure had not been passed.

(3) If within two years after the appointed day a transferred officer expresses to the Estates and Finance Committee his desire to retire on special terms and the Committee are satisfied that it is equitable to allow him so to do, they shall, upon his resignation, grant him compensation of not less value than the superannuation benefits which he would have received had he

resigned on grounds of infirmity, and, if he so elects, shall on such terms as they deem equitable allow him to surrender a part of such compensation for the benefit of his spouse or dependants.

Transitional
arrangements
and inaugural
meeting of
Commissioners.

16.—(1) The first appointed and nominated Commissioners may be appointed and nominated at any time after the passing of this Measure.

(2) The Archbishop of Canterbury, after consultation with the constituent authorities, shall—

(a) make before the appointed day such temporary appointments and arrangements as he may deem necessary to enable the functions of the Commissioners to be discharged until permanent appointments and arrangements can be made; and

(b) by notice in writing sent by post to each of them not less than twenty-eight days before the appointed day, summon the Commissioners to attend the inaugural general meeting of the Commissioners either on the appointed day or on some later day within ten days therefrom.

(3) At their inaugural general meeting the Commissioners shall—

(a) appoint a secretary;

(b) appoint members to serve on the Board and on the Estates and Finance Committee; and

(c) transact any other business of which ten days' notice has been given to members.

(4) The secretary shall summon members of the Board to attend the first meeting thereof on such day as the Chairman may direct.

(5) The Estates and Finance Committee shall, without any necessity for previous notice to members thereof, meet at the close of the inaugural general meeting of the Commissioners to make, or appoint a meeting for the purpose of making, such other appointments and such arrangements for the conduct of the Commissioners' business as they deem necessary.

(6) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-seven of the Interpretation Act, 1889.

52 & 53 Vict.
c. 63.

Provisions
as to super-
annuation.

28 & 29 Vict.
c. 68.

33 & 34 Vict.
c. 89.

1 & 2 Geo. 6.

17.—(1) The Estates and Finance Committee shall make rules regulating the grant of superannuation benefits to the officers of the Commissioners, and the allocation of superannuation benefits to their spouses or dependants, and the provisions of the Ecclesiastical Commissioners (Superannuation) Act, 1865, the Queen Anne's Bounty (Superannuation) Act, 1870, the Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Acts, 1914 and 1933, and the Superannuation (Various

Services) Act, 1938, shall not apply to the Commissioners or their officers:

Provided that in the case of any transferred officer—

(a) service under either of the constituent authorities and service under the Commissioners shall be aggregated and treated as continuous service under the Commissioners ; and

(b) the superannuation benefits to be granted to him on his retirement shall be not less than those which might have been awarded had the provisions of the said Acts applied at that date to him and to the Commissioners and the Commissioners shall have the like power to permit the allocation of such superannuation benefits to his spouse or dependants as they would have had under section one of the Superannuation (Various Services) Act, 1938.

(2) As from the appointed day the liability of either of the constituent authorities to make payments in respect of superannuation benefits to a person who had been employed by them, but had before the appointed day ceased to be so employed, or to his spouse or dependants, shall be transferred to, and become a liability of, the Commissioners and be a charge on their general fund.

18.—(1) In this Measure, unless the context otherwise requires— Interpretation.

“the appointed day” means the first day of April in such year as the Archbishop of Canterbury may appoint by a notice published in the London Gazette not later than the first day of December in the preceding year ;

“dean” includes the dean or provost of any cathedral church in England, and the deans of Westminster and Windsor ;

“functions” includes powers and duties ;

“officer” includes servant ;

“procedure” includes the fixing of a quorum ;

“property” includes a thing in action and any interest in real or personal property ;

“superannuation benefits” has the same meaning as it has in the Superannuation (Various Services) Act, 1938.

(2) References in any Act or Measure (other than this Measure) or in any other document (including any testamentary document) to either of the constituent authorities, or to the common or corporate fund of either of them, shall be construed as references to the Commissioners or, as the case may be, to their general fund.

19. This Measure may be cited as the Church Commissioners Short title. Measure, 1947.

SCHEDULE I.

Section I (2).

CONSTITUTION OF THE COMMISSIONERS.

1. The Commissioners shall be—

the Archbishops of Canterbury and York and the diocesan bishops of the Provinces of Canterbury and York ;
 the three church estates commissioners ;
 five deans appointed by the Church Assembly, three from the Province of Canterbury and two from the Province of York ;
 ten other clerks in Holy Orders appointed by the Church Assembly ;
 ten laymen appointed by the Church Assembly ;
 four laymen nominated by His Majesty, and four persons nominated by the Archbishop of Canterbury : provided that at least two of the eight Commissioners so nominated shall be, or shall have been, of counsel to His Majesty ;
 The Lord Chancellor, the Lord President of the Council, the First Lord of the Treasury, the Chancellor of the Exchequer and the Secretary of State for the Home Department ;
 the Speaker of the House of Commons ;
 the Lord Chief Justice, the Master of the Rolls, the Attorney-General and the Solicitor-General ;
 The Lord Mayor and two aldermen of the City of London and the Lord Mayor of the City of York ; and
 one representative from each of the universities of Oxford and Cambridge, being either the Vice-Chancellor or a person nominated by him to serve during his own term of office.

2. Commissioners appointed by the Church Assembly (who need not be members thereof) shall be appointed for five years in such manner as the Assembly may from time to time determine.

Commissioners nominated by the Archbishop of Canterbury shall be nominated for such number of years as he may from time to time determine.

The two aldermen of the City of London shall be appointed by the court of aldermen thereof either for one year or for such number of years not exceeding five as the court may from time to time determine.

In this paragraph the expression " year " means a period of twelve months commencing on the first day of April.

Any such Commissioner as is referred to in this paragraph shall be eligible for re-appointment or re-nomination.

3. In the event of delay in the appointment or nomination of a successor, any such Commissioner as is referred to in the last preceding paragraph shall, notwithstanding the expiration of the period for which he was appointed or nominated, continue to hold office until a successor is appointed or nominated.

4. A person shall be disqualified from being a Commissioner so long as he is a salaried official of any central or diocesan body in the Church of England.

5. If an appointed Commissioner who was qualified for appointment by virtue of being a dean, a clerk in Holy Orders, or a layman appointed

by the Church Assembly ceases to be so qualified, he shall thereby vacate his membership.

6. Every lay Commissioner not being a Commissioner in right of office shall, before otherwise acting in connection with the business of the Commissioners, declare in writing before an officer of the Commissioners that he is a member of the Church of England.

SCHEDULE II.

CONSTITUTION OF THE BOARD OF GOVERNORS.

Section 5 (1).

1. The Board shall consist of the following persons—

the Archbishops of Canterbury and York ;
the three church estates commissioners ;
twenty-two other Commissioners appointed by the Commissioners,
and
such other Commissioners, if any, as may be co-opted in accordance
with the provisions of this Schedule.

2. Of the twenty-two members to be appointed by the Commissioners six shall be diocesan bishops, two shall be deans, six shall be other clerks in Holy Orders and eight shall be laymen, of whom six shall be chosen from those appointed by the Church Assembly.

3. At the inaugural general meeting of the Commissioners twenty-two members shall be appointed in the proportions laid down in the preceding paragraph and of the members so appointed one-half shall hold office for six years and the remainder for three years. Thereafter, in every third year eleven members shall be appointed at the annual general meeting of the Commissioners to fill the places of members retiring in that year.

4. The period of office of an appointed member shall run from the day following the annual general meeting at which he is appointed to the close of the day on which his successor is appointed.

A member appointed at the inaugural general meeting shall enter upon his office forthwith, but the date for his retirement shall be calculated as if he had been appointed at the first annual general meeting of the Commissioners.

5. The eleven original members to hold office for six years shall be three bishops, one dean, three other clerks, three of the laymen appointed by the Church Assembly and one of the laymen not so appointed.

6. As between members in any category, those to hold office for six years shall be those receiving most votes :

Provided that if—

- (a) in any category there is no contest ; or
- (b) in a category where there is a contest, a selection must be made between two or more members whose votes were equal ;

any necessary selection shall be made by lot.

For the purposes of this paragraph, lots shall be drawn by such persons and in such manner as the Chairman may direct.

7. The Board may from time to time co-opt as additional members of the Board not more than three persons being Commissioners at the date of co-optation.

Such co-optation may be for any period not extending beyond the next triennial election of members of the Board.

8. If a member of the Board who was qualified for membership by virtue of being a diocesan bishop, a dean, a clerk in Holy Orders, or a layman appointed by the Church Assembly, ceases to be so qualified, he shall thereby vacate his membership.

SCHEDULE III.

Section 6 (3).

THE ECCLESIASTICAL COMMISSIONERS ACT, 1850.

Sections 8 and 9, as adapted.

Estates and
Finance
Committee to
manage all the
estates of the
Commissioners.

8. It shall be the duty of the Estates and Finance Committee, or any three of them, of whom two or more shall be Church Estates Commissioners, to consider all matters in any way relating or incident to the sale, purchase, exchange, letting, or management, by or on behalf of the Commissioners, of any lands, tithes, or hereditaments, and to devise such measures touching the same as shall appear to such committee to be most expedient; and such committee, or any three of them, of whom two or more shall be Church Estates Commissioners, shall have full power and authority subject to such general rules as shall have been made by the Board of Governors of the Commissioners, to do and execute any act, including the affixing of the common seal to any scheme or other instrument within the power of the Commissioners, in respect of the sale, purchase, exchange, letting, or management, of any lands, tithes, or hereditaments:

Provided always, that no such act shall be done or executed by the Commissioners otherwise than by the said Estates and Finance Committee, nor by such committee unless with the concurrence of two at least of the Church Estates Commissioners.

Chairman of
Estates and
Finance
Committee.

9. At all meetings of the Estates and Finance Committee the first Church Estates Commissioner shall preside, or, if he is absent, the other Church Estates Commissioner appointed by His Majesty or the Church Estates Commissioner appointed by the archbishop, shall be chairman at alternate meetings; and in case of an equality of votes the chairman shall have a second or casting vote.

THE ECCLESIASTICAL COMMISSIONERS ACT, 1866.

Section 2, as adapted.

Application of
Ecclesiastical
Commissioners
Act, 1866, s. 2.

All acts which the Estates and Finance Committee of the Commissioners are authorised by law to do and execute or to complete may be done and executed or completed by any two members of such Committee being Church Estates Commissioners.

SCHEDULE IV.

GENERAL PROVISIONS RELATING TO THE COMMISSIONERS, THE BOARD Section 7 (1).
AND COMMITTEES.

1. The proceedings of the Commissioners, the Board or a committee shall not be invalidated by any vacancy in the membership thereof, or by any defect in the qualification, appointment or nomination of any member.

2. When an appointed or nominated Commissioner proposes to retire, his intention so to do shall be notified by him in writing to the secretary of the Commissioners, who shall forthwith give notice to the person or body by whom such Commissioner was appointed or nominated.

3. Casual vacancies among appointed or nominated Commissioners may be filled by the person or body by whom the Commissioner vacating office was appointed or nominated. Casual vacancies among members of the Board or a committee may be filled by the Board.

4. Any person appointed or nominated to fill a casual vacancy shall hold office for the remainder of the term (if any) for which his predecessor was appointed or nominated.

5. At any meeting of the Commissioners, the Board or a committee, every question shall be decided by a majority of the votes of members present and voting on that question and in the case of equality of votes, the member presiding shall have a second or casting vote :

Provided that, if at the inaugural or any annual general meeting the Commissioners so decide, the Commissioners who are to serve as members of the Board, or of the Estates and Finance Committee, may be chosen at that meeting by ballot, or (notwithstanding anything contained in this Measure) within fourteen days after that meeting by means of voting papers issued and returned by post.

6. Minutes of the proceedings of the Commissioners or of the Board signed at the same or the next meeting by a member describing himself, or appearing to be, the person presiding at the meeting at which the minutes are signed, shall be received in evidence without further proof, and, until the contrary is proved, every meeting of the Commissioners or of the Board, in respect of the proceedings whereof minutes have been so signed shall be deemed to have been duly convened and held.

7. The provisions of this Schedule relating to Committees shall in their application to the Estates and Finance Committee have effect subject to any special provisions with respect thereto contained in this Measure.



No. 3.

A MEASURE passed by the National Assembly of the Church of England.

To amend the Parsonages Measure, 1938, and for purposes connected therewith. [31st July 1947.]

Power for Queen Anne's Bounty to purchase parsonage houses.
1 & 2 Geo. 6.
No. 3.

1. Queen Anne's Bounty may purchase any property proposed to be sold under the provisions of the Parsonages Measure, 1938 (in this Measure referred to as "the principal Measure") if the Bishop and Diocesan Dilapidations Board are satisfied that the price offered is reasonably satisfactory, and no objection on that ground is made within the prescribed period by the patron or the parochial church council.

Power of postponing certain loan payments.
17 Geo. 3.
c. 53.

2. Queen Anne's Bounty shall have power to postpone in whole or in part, the repayment of moneys advanced by them under the Clergy Residences Repair Act, 1776, as amended by any subsequent Acts or Measures, the payment of interest thereon, or both such repayment and payment, for such periods and on such conditions as they may from time to time determine; and this power may be exercised at the time when the loan is made or at any time or times during the currency thereof.

Extension of section five of the Parsonages Measure, 1938.

3.—(1) Section five of the principal Measure shall have effect as if after paragraph (iv) of subsection (1) thereof there were inserted the following paragraphs :—

iv (a) In repaying to an incumbent or incumbents such amounts as he or they may have paid to Queen Anne's Bounty in reduction of a loan made by them for or towards the erection or purchase of a residence house ;

iv (b) In repaying to Queen Anne's Bounty the whole or any part of any grant made by them for or towards the erection or purchase of a residence house.

(2) Subsection (2) of the said section shall have effect as if the words "or interest" were inserted immediately after the words "principal money" in both places where those words occur.

Short title and construction.

4. This Measure may be cited as the Parsonages (Amendment) Measure, 1947, and shall be construed as one with the principal Measure, and the two Measures may be cited together as the Parsonages Measures, 1938 and 1947.

TABLE IV.

SHOWING THE EFFECT OF THE LEGISLATION OF 1947.

ACTS (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ENACTMENTS OF 10 & 11 AND (IN PART) 11 & 12 GEO. 6.

[NOTE.—References in the fourth column are to chapters of 10 & 11 Geo. 6 unless otherwise stated. A table of the effect of Defence Regulations upon statutes is printed in the volumes of Defence Regulations prepared in the Office of the Parliamentary Counsel and periodically published by H.M. Stationery Office.]

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
25 Edw. 1 : c. 18 ...	King's Tenant, his Debtor.	Repealed	44, s. 39, sch. 2.
25 Geo. 3 : c. 35 ...	Crown Debtors Act, 1785.	Repealed	44, s. 39, sch. 2.
36 Geo. 3 : c. 52 ...	Legacy Duty Act, 1796	S. 11 applied	35, s. 49 (3) (d).
46 Geo. 3 : c. 146 ...	[Annuity (Lord Nelson)]	Nelson annuity terminated (<i>prosp.</i>)	34.
57 Geo. 3 : c. 97 ...	[Land Revenues of the Crown.]	S. 25 extended	51, s. 88 (4).
c. 117 ...	Extents in Aid Act, 1817	Repealed	44, s. 39, sch. 2.
6 Geo. 4 : c. 22 ...	Jurors (Scotland) Act, 1825.	S. 2 amended	43, s. 381, sch. 14.
6 & 7 Will. 4 : c. 77 ...	Ecclesiastical Commissioners Act, 1836.	S. 7 proviso excluded ...	C.A.M. No. 2, s. 8 (3).
1 & 2 Vict. : c. 74 ...	Small Tenements Recovery Act, 1838.	Sch. applied	48, s. 17 (7).
c. 110 ...	Judgments Act, 1838 ...	S. 17 applied	44, s. 24 (1) (4).
5 & 6 Vict. : c. 86 ...	Exchequer Court Act, 1842.	S. 9 repealed	44, s. 39, sch. 2.
c. 94 ...	Defence Act, 1842 ...	S. 34 repealed	44, s. 39, sch. 2.
6 & 7 Vict. : c. 68 ...	Theatres Act, 1843 ...	Functions of justices of the peace of a county relating to a burgh transferred to town council of burgh (S.)	43, s. 313.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
8 & 9 Vict. : c. 19 ...	Lands Clauses Consolidation (Scotland) Act, 1845.	Ss. 120-25 excluded ...	27, s. 57 (3).
c. 83 ...	Poor Law (Scotland) Act, 1845.	Ss. 18, 83-8 excluded ... Ss. 59, 66 repealed, 67, 69 amended (<i>prosp.</i>) Ss. 10-3, 16-7, 33, 46, 53, 87 repealed, 9, 30, 62 amended, 52 applied	42, s. 2 (5), sch. 2, para. 5. 27, s. 74, sch. II, Part II. 43, ss. 359 (1), 381, sch. 14.
10 & 11 Vict. : c. 17 ...	Waterworks Clauses Act, 1847.	S. 42 saved ...	41, s. 15 (2).
13 & 14 Vict. : c. 94 ...	Ecclesiastical Commissioners Act, 1850.	Ss. 8, 9 applied as adopted	C.A.M. No. 1 s. 6, sch. 3.
15 & 16 Vict. : c. 28 ...	Commissioners of Works Act, 1852.	Applied ...	45, s. 9 (2).
c. 36 ...	Pharmacy Act, 1852 ...	S. 2 extended (<i>temp.</i>) ...	19, s. 5 (2) (4).
16 & 17 Vict. : c. 51 ...	Succession Duty Act, 1853.	Ss. 25, 32 applied ...	35, s. 49 (3) (4).
17 & 18 Vict. : c. 31 ...	Railway and Canal Traffic Act, 1854.	Ss. 3 amended, 2 extended	49, ss. 33 (2) 75, sch. 11 Part II.
c. 80 ...	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Ss. 50-1 amended ...	43, s. 381, sch. 14
c. 91 ...	Lands Valuation (Scotland) Act, 1854.	Ss. 31, 36 repealed, 3, 18 amended Applied as amended ...	43, s. 381, sch. 14 54, s. 68 (8).
18 & 19 Vict. : c. 68 ...	Burial Grounds (Scotland) Act, 1855.	Ss. 29, 30 repealed, 14, 26-7 amended	43, s. 381, sch. 14
c. 120 ...	Metropolis Management Act, 1855.	S. 105 applied ...	51, ss. 48, 114 (8).
19 & 20 Vict. : c. 56 ...	Exchequer Court (Scotland) Act, 1856.	Ss. 5-9, 11-2, schs. A-E repealed, ss. 10, 22 amended	44, s. 39, sch. 2.
20 & 21 Vict. : c. 42 ...	Burial Grounds (Scotland) Act, 1857.	Repealed so far as unrepealed	43, s. 381, sch. 14
c. 53 ...	New Zealand Constitution (Amendment) Act, 1857.	Repealed ...	[11 Geo. 6] 4.
c. 70 ...	Boundaries of Burghs Extension (Scotland) Act, 1857.	Repealed ...	43, ss. 378, 381, schs. 13, 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
20 & 21 Vict. : c. 71 ...	Lunacy (Scotland) Act, 1857.	Ss. 3 definitions of "public asylum," "district asylum," "superintendent," "burgh," "magistrates of burghs," "landward part of a county," 5 in part, 19, 24 in part, 26, 31, 49-70, 73-80, 86, 95, 103, schedules (C) para. 17, (H), (K) repealed; ss. 3 definition of "private asylum," 8-9, 17, 28, 32, 42, 47, 71-2, 90, 91-2, 94, 97, 102, 107, schedule (B) amended; s. 112 substituted (<i>prosp.</i>)	27, ss. 49 (6), 50, sch. 9 Parts I, II.
c. 72 ...	Police (Scotland) Act, 1857.	Ss. 57, 62-7, 72, 74, sch. (K) repealed, 52-3, 61, 68 amended.	43, ss. 378, 381, schs. 13, 14.
c. 73 ...	Smoke Nuisance (Scotland) Act, 1857.	Ss. 2-3, 29-33, 40-43, 50 repealed, 4, 28, 54 amended	43, s. 381, sch. 14.
1 & 22 Vict. : c. 90 ...	Medical Act, 1858 ...	S. 12 amended ...	43, s. 381, sch. 14.
		Applied (<i>temp.</i>) ...	19, s. 5 (1) (4).
		S. 36 amended (S.) ...	43, s. 381, sch. 14.
		Applied ...	[11 & 12 Geo. 6] 11, ss. 1, 4, 8 (5).
2 Vict. : c. 20 ...	Evidence by Commission Act, 1859.	S. 5 (2) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
2 & 23 Vict. : c. 31 ...	Court of Probate (Ireland) Act, 1859.	S. 15 modified ...	51, s. 64 (5).
c. 40 ...	Royal Naval Reserve (Volunteer) Act, 1859.	Applied as modified ...	31, s. 7 (2).
c. 66 ...	Sale of Gas Act, 1859 ...	S. 7 repealed (S.) ...	43, s. 381, sch. 14.
3 & 24 Vict. : c. 34 ...	Petitions of Right Act, 1860.	Repealed ...	44, s. 39, sch. 2.
c. 79 ...	Sheriff Court Houses Act, 1860.	Ss. 12, 19-21, 23-5, 27-8 repealed, 15, 26 amended	43, s. 381, sch. 14.
c. 85 ...	Registration of Births, Deaths and Marriages (Scotland) Act, 1860.	S. 8 amended ...	43, s. 381, sch. 14.
c. 88 ...	Admiralty Jurisdiction (India) Act, 1860.	S. 1 amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
1 & 25 Vict. : c. 18 ...	Poor Law (Scotland) (No. 1) Act, 1861.	Repealed ...	43, s. 381, sch. 14.
c. 69 ...	Tramways (Scotland) Act, 1861.	S. 8 amended ...	43, s. 381, sch. 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
25 & 26 Vict.: c. 54 ...	Lunacy (Scotland) Act, 1862.	Ss. 1 definitions of "lunatic wards of a poor house", "pauper lunatic", 3-4, 8-10, 12-3 repealed, 1 definition of "superintendent" 5, 14-7 amended, 18 substituted, 14 applied (<i>prosp.</i>) Ss. 10, 12-3 repealed ...	27, s. 50, sch. 9 Parts I, II. 43, ss. 378, 381, schs. 13, 14. 51, ss. 48, 114 (S.)
c. 102 ...	Metropolis Management Amendment Act, 1862.	S. 77 applied ...	
26 & 27 Vict.: c. 7 ...	Manufactured Tobacco Act, 1863.	Scale of drawback under s. 1	35, s. 3 (3) (6) sch. 1 Part II.
c. 49 ...	Duchy of Cornwall Management Act, 1863.	S. 8 as amended extended	51, s. 88 (5).
c. 87 ...	Trustee Savings Bank Act, 1863.	S. 15 applied ...	6, s. 4 (3), 5 (3)
c. 108 ...	Vaccination (Scotland) Act, 1863.	Repealed (<i>prosp.</i>) ... Ss. 28 repealed, 6, 16 amended	27, ss. 26 (5), 31, 74, sch. 11 Part II. 43, s. 381, sch. 14.
27 & 28 Vict.: c. 25 ...	Naval Prize Act, 1864	S. 52 repealed ...	44, ss. 23, 39 schs. 1, 2.
c. 57 ...	Admiralty Lands and Works Act, 1864.	S. 11 repealed ...	44, s. 39, sch. 2
28 & 29 Vict.: c. 63 ...	Colonial Laws Validity Act, 1865.	S. 1 amended ... Excluded (<i>prosp.</i>) ...	[11 Geo. 6] 3 s. 5, sch. 2 Part I. [11 Geo. 6] 7 s. 1, sch. 1.
c. 68 ...	Ecclesiastical Commissioners (Superannuation) Act, 1865.	Excluded ...	C.A.M. No. 2 s. 17 (1).
c. 73 ...	Naval and Marine Pay and Pensions Act, 1865.	S. 3 amended ...	24, s. 1 (1).
c. 90 ...	Metropolitan Fire Brigade Act, 1865.	Repealed (<i>prosp.</i>) except ss. 13-7, 24, 29, 31	41, s. 39, sch. 6.
c. 104 ...	Crown Suits Etc. Act, 1865.	Repealed except Part I and s. 46	44, ss. 23, 39 schs. 1, 2.
c. 124 ...	Admiralty Powers, &c. Act, 1865.	S. 2 repealed ...	44, s. 39, sch. 2.
29 & 30 Vict.: c. 23 ...	Isle of Man Customs, Harbours and Public Purposes Act, 1866.	Ss. 4, 6 amended ...	28.
c. 51 ...	Lunacy (Scotland) Act, 1866.	Ss. 10-1, 22, 25-7, repealed, 4, 8, 12-3 amended, 9 substituted, 13A added (<i>prosp.</i>) S. 27 amended ...	27, s. 50, sch. 9 Parts I, II. 43, s. 381, sch. 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
30 & 31 Vict.: c. 109 (as amended).	Naval Discipline Act ...	S. 98A (2) repealed, (3) (4) amended S. 90 B amended ... S. 19 <i>see</i> ... S. 90 B (1) amended ...	24, s. 1 (4). 30, s. 13. 31, s. 7 (3). [11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 111 ...	Ecclesiastical Commissioners Act, 1866.	S. 2 applied as adapted ...	C.A.M. No. 2, s. 6, sch. 3.
30 & 31 Vict.: c. 128 ...	War Department Stores Act, 1867.	S. 20 repealed ...	44, s. 39, sch. 2.
31 & 32 Vict.: c. 78 ...	Admiralty Suits Act, 1868.	Repealed ...	44, s. 39, sch. 2.
c. 82 ...	County General Assessment (Scotland) Act, 1868.	Repealed so far as unrepealed	43, s. 381, sch. 14.
c. 110 ...	Telegraph Act, 1868 ...	S. 6 amended ...	44, s. 39, sch. 2.
32 & 33 Vict.: c. 10 ...	Colonial Prisoners Removal Act, 1869.	S. 2 amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 44 ...	Greenwich Hospital Act, 1869.	S. 5 amended ...	5, ss. 1, 3, sch. 2.
c. 62 ...	Debtors Act, 1869 ...	Ss. 4, 5, 6 applied as modified	44, ss. 26 (2), 31 (2).
c. 73 ...	Telegraph Act, 1869 ...	Saved ...	41, s. 3 (2).
33 & 34 Vict.: c. 37 ...	Magistrates (Scotland) Act, 1870.	Repealed so far as unrepealed	43, s. 381, sch. 14.
c. 42 ...	Burgh Customs (Scotland) Act, 1870.	S. 2 amended ...	43, s. 381, sch. 14.
c. 52 ...	Extradition Act, 1870	S. 23 amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 57 ...	Gun Licence Act, 1870	Saved ...	48, s. 100 (4).
c. 71 ...	National Debt Act, 1870	Applied (S.) ...	53, s. 63 (7).
c. 78 ...	Tramways Act, 1870 ...	Ss. 20, 43-4 amended (S.)	43, s. 381, sch. 14.
c. 89 ...	Queen Anne's Bounty (Superannuation) Act, 1870.	Excluded ...	C.A.M. No. 2, s. 17 (1).
34 & 35 Vict.: c. 55 ...	Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871.	Ss. 8 repealed, 4, 6 amended (<i>prosp.</i>)	27, s. 50, sch. 9 Parts I, II.
c. 56 ...	Dogs Act, 1871 ...	S. 5, sch. amended (S.) ...	43, s. 381, sch. 14.
c. 78 ...	Regulation of Railways Act, 1871.	Ss. 9, 10 excluded	49, s. 94 (6).
c. 96 ...	Pedlars Act, 1871 ...	Ss. 20 proviso 6, 21 amended (S.)	43, s. 381, sch. 14.
c. 113 ...	Metropolis Water Act, 1871.	S. 34 repealed ...	41, s. 39, sch. 6.
35 & 36 Vict.: c. 23 ...	Isle of Man Harbours Act, 1872.	Ss. 4-7, sch. 1 repealed, 22 amended	28.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
35 & 36 Vict.: c. 33 ...	Ballot Act, 1872 ...	Ss. 20-2, sch. 1 Part II paras. 64-5 repealed, 14, 24, 29, sch. 2 amended (S.)	43. s. 381, sch. 14.
c. 38 ...	Bankruptcy (Ireland) (Amendment) Act, 1872.	S. 21 applied (N.I.) ...	14. s. 33, sch. 4 paras. 6, 8 (4).
c. 67 ...	Greenwich Hospital Act, 1872.	Ss. 4, 5 amended ...	5, ss. 1, 3, sch. 2.
c. 91 ...	Borough Funds Act, 1872.	Repealed as to Scotland ...	43. s. 381, sch. 14.
36 & 37 Vict.: c. 48 ...	Regulation of Railways Act, 1873.	Ss. 5, 26-7, 30-2 repealed, 6 amended.	49, s. 75, sch. 11 Part II.
37 & 38 Vict.: c. 27 ...	Courts (Colonial) Jurisdiction Act, 1874.	Ss. 2, 2A amended ...	[11 Geo. 6] s. 5, sch. 1 Part I.
c. 88 ...	Births and Deaths Registration Act, 1874.	S. 44 extended ...	12.
38 & 39 Vict.: c. 17 ...	Explosives Act, 1875 ...	Ss. 70, 72, 109 (11), 111-2 amended (S.) S. 97 (5) extended ...	43, ss. 378, 381, schs. 13, 14. [11 & 12 Geo. 6] 10, s. 2, sch. 2 para. 4.
c. 45 ...	Sinking Fund Act, 1875	Ss. 4, 5 applied ...	35, s. 70.
c. 55 ...	Public Health Act, 1875	Ss. 150-1 applied as amended	31, s. 48 (3) (7).
c. 89 ...	Public Works Loans Act, 1875.	Ss. 5 (1) repealed, 7 amended	44, s. 39, sch. 2.
39 & 40 Vict.: c. 36 ...	Customs Consolidation Act, 1876.	Ss. 219, 247-54 repealed	44, s. 39, sch. 2.
c. 46 ...	Slave Trade Act, 1876	S. 3A repealed, 3 amended	[11 Geo. 6] s. 5, sch. 2 Part I.
c. 49 ...	Burghs Gas Supply (Scotland) Act, 1876.	Ss. 8, 10-3, 19-7, 19, 28-31, 34-5, 39-40, schs. (C), (D), (E) repealed, ss. 5, 6, 18, 27, 32, 33, 38, 41 amended S. 6 amended ...	43, ss. 378, 381, schs. 13, 14.
c. 59 ...	Appellate Jurisdiction Act, 1876.	S. 6 amended ...	11.
c. 75 ...	Rivers Pollution Prevention Act, 1876.	Ss. 15, 21 (3) (8) (9) repealed, 8, 14 amended (S.)	43, s. 381, sch. 14.
40 & 41 Vict.: c. 2... ...	Treasury Bills Act, 1877	S. 6 excluded ...	17, s. 3 (2); 52, s. 2 (2).
c. 23 ...	Colonial Fortification Act, 1877.	S. 3 amended ...	[11 Geo. 6] s. 5, sch. 2 Part I.
c. 53 ...	Prisons (Scotland) Act, 1877.	Ss. 24-5, 56, 60, 63 repealed, 55 amended.	43, s. 381, sch. 14.
c. 56 ...	County Officers and Courts (Ireland) Act, 1877.	Ss. 79, 84 extended ...	14, s. 33, sch. 4 paras. 3, 8 (2).
c. 57 ...	Supreme Court of Judicature (Ireland) Act, 1877.	S. 61 extended ...	14, s. 33, sch. 4 paras. 3, 8 (2).

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
40 & 41 Vict.: c. 59 ...	Colonial Stock Act, 1877	S. 8 applied ... S. 26 amended ...	35, s. 52 (2) (b). [II Geo. 6] 3, s. 5, sch. 2 Part I.
c. 68 ...	Destructive Insects Act, 1877.	S. 4 amended (S.) ...	43, s. 381, sch. 14.
41 & 42 Vict.: c. 8...	Public Parks (Scotland) Act, 1878.	Ss. 7, 13, 15, 16-20, 22-24 repealed; 5, 14, 27 amended	43, s. 381, sch. 14.
c. 49 ...	Weights and Measures Act, 1878.	Ss. 51 repealed; 50, sch. 4 repealed so far as relating to a local rate (S.)	43, s. 381, sch. 14.
c. 51 ...	Roads and Bridges (Scotland) Act, 1878.	S. 29 applied ... Ss. 34, 50, 52, 54-5, 74, 76-9, 82, 86, 88 (6), 90 (5), 105-6, 110, 117-8, sch. (B) Nos. 1, 2 repealed, ss. 49, 58, 75, 87, 88 (3), 90 (2), 93 amended	49, s. 41 (3). 43, ss. 80 (2), 381, sch. 14.
c. 76 ...	Telegraph Act, 1878 ...	S. 11 repealed ... S. 7 (1)-(8) extended ... S. 7 (1)-(8) extended (S.)	44, s. 39, sch. 2. 51, s. 116 (2) (3). 53, s. 111 (2) (3).
42 & 43 Vict.: c. 27 ...	Convention of Royal Burghs (Scotland) Act, 1879.	S. 3 amended ...	43, s. 377 (1).
43 & 44 Vict.: c. 34 ...	Debtors (Scotland) Act, 1880.	S. 4 restricted ...	44, ss. 26 (2), 49.
c. 35 ...	Wild Birds Protection Act, 1880.	Sch. excluded ...	48, s. 98 (4).
44 & 45 Vict.: c. 6 ...	Local Taxation Returns (Scotland) Act, 1881.	Repealed ...	43, s. 381, sch. 14.
c. 38 ...	Public Works Loans Act, 1881.	S. 9 applied (S.) ...	43, s. 279.
c. 58 (as amended).	Army Act ...	Ss. 124, 138 (8), 145 amended, 132 (3A), 137 (5), 144A, 145A, 163 (1) (j) added Ss. 184 B repealed, 41, 43, 54 (8) (9), 73 (3), 130 (5), 132 (2), 136, 137 (4), 175 (12), 176 (11), 180 (1), 183 amended, 139 (3) applied Ss. 54 (8), 180 (1), 190 (21A) repealed, 13, 54 (9), 59, 60, 64 (4), 68, 94, 122 (6), 130 (5), 132, 134-5, 135 (1), 137 (4), 143 (1), 154 (5) (7), 156 (8), 162 (3), 163, 168-9, 170 (3), 175 (4) (7) (9) (11) (12), 176 (3) (8A) (10) (11), 177, 180 (2) (3), 181, 190 (8) (22) (23A) (24) (33) (35) amended S. 190 (23) amended (<i>prosp.</i>)	25, ss. 3-7, 9. 30, s. 12, sch. 3. [II Geo. 6] 3, s. 5, sch. 2 Parts II, III. [II Geo. 6] 7, s. 2.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
45 & 46 Vict.: c. 42 ...	Civil Imprisonment (Scotland) Act, 1882.	S. 5 applied	43, s. 247 (5).
c. 56 ...	Electric Lighting Act, 1882.	S. 7 repealed; 8 amended (S.) Ss. 2-11, 19, 20, 29, 30, 36 definition of "public purposes" sch. repealed; ss. 12-3, 15-6, 18 amended; 31 substituted; 14 restricted.	43, s. 381, sch. 14. 54, s. 57, sch. 4 Part I, 5.
c. 61 ...	Bills of Exchange Act, 1882.	Excluded, ss. 3 (1), 83 (1) saved	14, s. 33 (2).
c. 74 ...	Post Office (Parcels) Act, 1882.	S. 14 applied	14, s. 34, sch. 5 Part III para. 1.
46 & 47 Vict.: c. 32 ...	Greenwich Hospital Act, 1883.	Ss. 2 extended and amended, 4 applied.	5, s. 2, sch. 1.
c. 52 ...	Bankruptcy Act, 1883	Ss. 32 (1) (d) repealed, 32 (1) (e), 34 amended (S.)	43, s. 381, sch. 14.
47 & 48 Vict.: c. 31 ...	Colonial Prisoners Removal Act, 1884.	S. 14 B repealed	[11 Geo. 6] 3 s. 5, sch. 2 Part I.
c. 42 ...	Sheriff Court Houses (Scotland) Amendment Act, 1884.	S. 6 amended	43, s. 381, sch. 14.
48 & 49 Vict.: c. 10 ...	Election (Hours of Poll) Act, 1885.	Repealed except so far as relates to parliamentary elections (S.)	43, s. 381, sch. 14.
c. 51 ...	Poor Law Loans and Relief (Scotland) Act, 1886.	Ss. 1-3, sch. repealed ...	43, s. 381, sch. 14.
c. 74 ...	Evidence by Commission Act, 1885.	Ss. 2-3 amended	[11 Geo. 6] 3 s. 5, sch. 2 Part I.
49 & 50 Vict.: c. 48,	Medical Act, 1886 ...	Part II amended, ss. 11, 12, 13 (2) applied.	[11 & 12 Geo. 6] 11, ss. 4 (1), 6, 9 (1), 10 (3).
50 & 51 Vict.: c. 16 ...	National Debt and Local Loans Act, 1887.	Act, s. 15 applied... ..	[11 & 12 Geo. 6] 13, ss. 1, 3.
c. 35 ...	Criminal Procedure (Scotland) Act, 1887.	Ss. 28-9 excluded (<i>prosp.</i>)	47, s. 103 (6).
c. 39 ...	Lunacy Districts (Scotland) Act, 1887.	Repealed (<i>prosp.</i>)	27, s. 50, sch. 9 Part II.
c. 42 ...	Public Libraries Consolidation (Scotland) Act, 1887.	Ss. 3 repealed; 5 amended Ss. 7-9, 11-3, 15-6, repealed; 2, 6, 10, 14, 30 amended	43, s. 381, sch. 14. 43, s. 381, sch. 14.
c. 54 ...	British Settlements Act, 1887.	Applied to Aden	30, s. 16.
51 & 52 Vict.: c. 8 ...	Customs and Inland Revenue Act, 1888.	S. 21 applied	35, s. 49 (1).
c. 12 ...	Electric Lighting Act, 1888.	Ss. 1-3 repealed	54, s. 57, sch. 5.
c. 25 ...	Railway and Canal Traffic Act, 1888.	Ss. 2-5, 18-22, 50-1 repealed, 12 amended, 32, 39, 45 (2) excluded	49, ss. 37 (1), 75, 94 (6), sch. 11 Part II.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
51 & 52 Vict.: c. 52 ...	Public Health (Buildings in Streets) Act, 1888.	Excluded	51, s. 13, sch. 2.
52 & 53 Vict.: c. 27 ...	Advertising Stations (Rating) Act, 1889.	S. 5 repealed (<i>prosp.</i>) ... S. 5 repealed (S.) (<i>prosp.</i>) ...	51, ss. 113, 120, sch. 9 Part II. 53, s. 109, sch. 9 Part II.
c. 30 ...	Board of Agriculture Act, 1889.	S. 6 (1) amended ...	44, s. 39, sch. 2.
c. 49 ...	Arbitration Act, 1889	Excluded and applied Excluded	49, ss. 104, 106. 54, s. 56.
c. 50 ...	Local Government (Scotland) Act, 1889.	Ss. 3-6, 8-10, 15, 16 (2) (b) (d), 25-7, Part V, 37 (3)-(6), 38, 39 (2)-(6), 43-4, 49-52, 54, 55 (3), 56-7, 59-65, 67 (2)-(6), 68, 71-2, 73 (1)-(5) (7), 74-6, 81, 83-4, 89-96, 98-101, 104, 119-21, sch. repealed, ss. 14, 39, 41, 67 (1), 105 amended, 50-1, 57 applied	43, ss. 142 (4), 301 (1) (e), 378, 381, schs. 13-4.
c. 57 ...	Regulation of Railways Act, 1889.	S. 2 amended	49, ss. 75, 128, sch. 11 Part II, sch. 15 Part I.
c. 63 ...	Interpretation Act, 1889	Applied S. 26 modified S. 38 applied S. 26 modified (S.) S. 38 saved (S.) S. 38 saved S. 34 excluded S. 37 saved Ss. 18 (3), 18A (2) amended Excluded	19, s. 5 (4). 39, s. 12 (3); 48, s. 107 (3). 41, s. 39 (5). 42, sch. 1 para. 19 43, s. 381 (5). 48, s. 67 (2) (a); 51, s. 113 (5); 53 s. 109 (5). 49, s. 39 (3). C.A.M. No. 2, s. 16 (6). [11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4 (2).
c. 72 ...	Infectious Disease (Notification) Act, 1889.	S. 17 definition of "local authority" substituted (S.) (<i>prosp.</i>) Ss. 9 repealed; 11 amended (S.)	27, s. 74, sch. 11 Part I. 43, s. 381, sch. 14.
53 & 54 Vict.: c. 3 ...	County Councils Association Expenses Act, 1890.	S. 1 amended	13.
c. 11 ...	Municipal Elections (Scotland) Act, 1890.	Repealed	43, s. 381, sch. 14.
c. 13 ...	Electric Lighting (Scotland) Act, 1890.	Sch. amended	43, s. 381, sch. 14.
c. 21 ...	Inland Revenue Regulation Act, 1890.	Repealed (<i>prosp.</i>) ... Ss. 21 (1), 23 (1) amended	54, s. 57, sch. 5. 44, s. 39, sch. 2.
c. 27 ...	Colonial Courts of Admiralty Act, 1890.	Ss. 4, 9 (2) proviso (a) amended Ss. 4, 7 restricted ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 1, sch. 1.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
53 & 54 Vict.: c. 37 ...	Foreign Jurisdiction Act, 1890.	S. 15 amended	[11 Geo. 6] 3. s. 5, sch. 2 Part I.
c. 54 ...	Metropolis Management Act, 1862, Amendment Act, 1890.	Applied	51, ss. 48, 114 (8).
c. 55 ...	Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.	Ss. 44-5, 52 (2) repealed, Act applied and saved	43, ss. 53 (2), 66, 381, sch. 14.
c. 71 ...	Bankruptcy Act, 1890	S. 9 amended (S.) ...	43, s. 381, sch. 14.
54 & 55 Vict.: c. 21 ...	Savings Bank Act, 1891	S. 4 (2) repealed	35, ss. 72 (3), 74, sch. 11 Part I.
c. 24 ...	Public Accounts and Charges Act, 1891.	S. 2 applied	52, s. 3.
c. 32 ...	Roads and Streets in Police Burghs (Scotland) Act, 1891.	S. 6 amended	43, s. 381, sch. 14.
c. 34 ...	Local Authorities Loans (Scotland) Act, 1891.	Repealed	43, ss. 378, 381, schs. 13, 14.
c. 38 ...	Stamp Duties Management Act, 1891.	S. 2 applied	44, s. 14 (1).
c. 39 ...	Stamp Act, 1891 ...	Ss. 26 repealed, 18, 21, 79 (2), sch. 1 amended, 113, 115 modified, 12, 114-5, sch. 1 applied.	35, ss. 52 (2) (3), 53 (1), 54-6, 58-9, 60 (3), 74, sch. 11 Part I.
c. 52 ...	Public Health (Scotland) Amendment Act, 1891.	S. 6 repealed	43, ss. 378, 381, schs. 13, 14.
55 & 56 Vict.: c. 12 ...	Roads and Bridges (Scotland) Amendment Act, 1892.	S. 3 repealed	43, s. 381, sch. 14.
c. 23 ...	Foreign Marriage Act, 1892.	Ss. 12 repealed, 4 (1), 7 (c), 13 (2), 21 (1) (e) (f) amended, 18 (2) (3) added, 22 substituted	33.
c. 31 ...	Small Holdings Act, 1892.	Sa. 3 (1), 18 (2), 21 (8) repealed, 16 (1), 19 amended (S.)	43, ss. 191 (2), 381, sch. 14.
c. 40 ...	Superannuation Act, 1892.	Ss. 1 (3), 4 amended ...	[11 Geo. 6] 3. s. 5, sch. 2 Part I.
c. 43 ...	Military Lands Act, 1892.	Ss. 4, 7 (so far as relating to a local authority), 25 (2) repealed; 25 (3) amended (S.)	43, s. 381, sch. 14.
c. 54 ...	Allotments (Scotland) Act, 1892.	Ss. 3 (1), 11 repealed ...	43, s. 381, sch. 14.
c. 55 ...	Burgh Police (Scotland) Act, 1892.	S. 166 amended Ss. 4 (1) (14)-(16) (18) (26), 7-13, 16-9, 21-3, 25-6, 27 (1), 43, 45 so far as unrepealed, 46-9, 55 (1) (3)-(5), 57-9, 73-7, 202-6, 226, 317-24, 336-8, 340, 342-5, 348-60,	39, ss. 14, 18. 43, ss. 160, 191 (3) (d), 224 (2), 301 (1) (e), 313 (2), 377 (2) (3), 378, 381, schs. 13, 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
55 & 56 Vict.: c. 55— <i>cont.</i>	Burgh Police (Scotland) Act, 1892— <i>cont.</i>	363, 370-1, 373, 375, 377-9, 460-2, 518, sch. VIII repealed; ss. 4 (30), 20, 42, 55 (6), 97, 103, 149-51, 154, 158, 201, 208, 213, 236, 250, 278, 281, 306, 308, 314-6, 339, 341, 369, 372, 374, 455 (4) amended; 278, 317-23, 373 (4) applied, 315 restricted; 395-7, 399, 400, 402 functions of magistrates transferred to town council of burgh Ss. 133-5, 137-43, 150-1, 154 applied	53, s. 45 (2) (3).
c. 57 ...	Private Street Works Act, 1892.	Applied	51, s. 48 (3).
56 & 57 Vict.: c. 5 ...	Regimental Debts Act, 1893.	Ss. 16, 25-6, 29 certain definitions amended	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 8 ...	Local Authorities Loans (Scotland) Act, 1891, Amendment Act, 1893.	Repealed	43, ss. 378, 381, schs. 13, 14.
c. 25 ...	Burgh Police (Scotland) Act, 1893.	Repealed	43, s. 381, sch. 14.
c. 29 ...	Railway Regulation Act, 1893.	S. 1 (5) repealed ...	49, s. 128, sch. 15 Part I.
c. 32 ...	Barbed Wire Act, 1893	S. 5 repealed (S.) ...	43, ss. 75, 381, schs. 11 Part II, 14.
c. 38 ...	Conveyance of Mails Act, 1893.	Applied, s. 4 repealed ...	49, ss. 65 (2), 75, 128, schs. 11 Part II, 15 Part I.
c. 61 ...	Public Authorities Protection Act, 1893.	S. 1 (2) modified (S.) ... Excluded	44, s. 48. 49, s. 11 (1); 54, s. 12 (1).
c. 66 ...	Rules Publication Act, 1893.	S. 1 (prior notice) excluded	7, s. 5 (4); 13, s. 1 (5); 14, s. 36 (4); 23, s. 1 (5); 26, s. 25 (3); 31, s. 22 (4); 35, s. 4 (5); 38, s. 3 (4); 44, ss. 34 (5), 53 (7); 49, s. 120 (4); 51, s. 111 (5); 54, s. 64 (5).
57 & 58 Vict.: c. 20 ...	Public Libraries (Scotland) Act, 1894.	S. 3 (1) amended ...	[11 & 12 Geo. 6] 3, s. 3 (5); 7, s. 4 (5); 8, s. 1 (7).
c. 24 ...	Wild Birds Protection Act, 1894.	S. 6 repealed (S.) ...	43, s. 381, sch. 14. 43, s. 381, sch. 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
57 & 58 Vict. :			
c. 30 ...	Finance Act, 1894. ...	S. 16 (3) amended ...	35, s. 50 (1).
c. 39 ...	Prize Courts Act, 1894	S. 3 applied ...	44, s. 13.
c. 54 ...	Railway and Canal Traffic Act, 1894.	S. 2 repealed ...	49, s. 75, sch. II Part II.
c. 57 ...	Diseases of Animals Act, 1894.	Ss. 33 (2) (4), 40 (1), 42 (2)-(5), 60 (7), 62 repealed; 42 (1), 60 (1), 64 (4) (b) (d) amended (S.)	43, s. 381, sch. 14.
c. 58 ...	Local Government (Scotland) Act, 1894.	Ss. 8-10, 13-20, 23, 24 (1) (a) (d), 27-8, 30 (1)-(5) (7)-(9), 31, 33-5, 37-41, 42 (3), 43-4, 46, 48 (2), 49-53, schs. II-IV repealed; ss. 24 (2), 29, 54 amended; 46 applied	43, ss. 142 (4), 381, sch. 14.
c. 60 ...	Merchant Shipping Act, 1894.	Ss. 460 (4) repealed, 551-4 excluded, 77, sch. 2 applied Ss. 368A repealed; 125 (1) (2) (4), 185, 270 amended Ss. 735-36 restricted (<i>prosp.</i>) S. 251 amended ...	44, ss. 5 (5), 8 (1), 39, sch. 2. [11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 1, sch. I. [11 & 12 Geo. 6] 10, s. 2 (2).
58 & 59 Vict. :			
c. 1... ...	Local Government (Scotland) Act, 1894, Amendment Act, 1895.	Repealed ...	43, s. 381, sch. 14.
c. 28 ...	False Alarms of Fire Act, 1895.	Repealed ...	41, ss. 31 (3), 39, sch. 6.
c. 36 ...	Fatal Accidents Inquiry (Scotland) Act, 1895.	S. 4 (9) amended ...	43, s. 381, sch. 14.
c. 42 ...	Sea Fisheries Regulation (Scotland) Act, 1895.	S. 6 (6) amended...	43, s. 377 (4).
59 & 60 Vict. :			
c. 32 ...	Orkney and Zetland Small Piers and Harbours Act, 1896.	Saved, s. 2 (4) amended...	43, ss. 155, 225 (2).
c. 48 ...	Light Railways Act, 1896.	Ss. 16 (4), 17, sch. 3 repealed; 16 (1) (2), 26 (5) amended (S.)	43, s. 381, sch. 14.
60 & 61 Vict. :			
c. 31 ...	Cleansing of Persons Act, 1897.	S. 1 amended (S.) ...	43, s. 381, sch. 14.
c. 34 ...	Municipal Elections (Scotland) Act, 1897.	Repealed ...	43, s. 381, sch. 14.
c. 38 ...	Public Health (Scotland) Act, 1897.	Ss. 66 in part, 67, 77, 179-80 repealed, 45-51, 53-7, 59, 62-4, 66, 69 in part, 70, 96-7, 141 amended, 54 (3), 55 (3) added, 166 applied as modified (<i>prosp.</i>) S. 181 amended ... Ss. 4, 7, 9-10, 13-4, 38, 113, 122 (1)-(3) (5), 131, 133-6, 138, 142-3, 147, 152, 159-60, 167, 183-8, sch. 2 repealed, ss. 6, 8, 15, 34, 39, 93, 122 (4), 139, 141, 144, 168, 190-1 amended	27, ss. 26 (5), 70, 74, sch. II, Parts I, II. 39, ss. 14, 18. 43, ss. 377 (5), 378, 381, schs. 13, 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
61 & 62 Vict.: c. 14 ...	Merchant Shipping (Liability of Shipowners) Act, 1898.	Restricted, s. 4 applied ...	44, s. 5 (6) (8).
c. 20 ...	Ex-officio Justices of the Peace (Scotland) Act, 1898.	Applied ...	43, ss. 14 (4), 28 (3), 47 (4).
c. 24 ...	Greenwich Hospital Act, 1898.	S. 4 repealed ...	5, s. 3, sch. 2.
62 & 63 Vict.: c. 9 ...	Finance Act, 1899 ...	Ss. 4, 8, 9 (3) amended ...	35, s. 52 (2) (b) (3).
c. 19 ...	Electric Lighting (Clauses) Act, 1899.	Ss. 1 except definition of "Electric Lighting Acts," 2 (2) (3), sch. ss. 3, 5-9, 14 (3), 18 (7), 21 (1), 23 (2) (3), 31-4, 35 (2), 37, 41 (2) (3), 43 (2), 62 (1)-(3), 63-8, 69 (3), 70, 74-5, 76 (2), 78, 82, 83 (2) (5) (6) repealed; sch. ss. 1, 10, 16-7, 20 (1) (2), 21 (2) (3), 23 (1), 24 (1), 27 (4), 35 (1), 39, 41 (1), 47, 48 (1) (2), 49, 60 (1)-(3), 71, ... 81, Appendix amended; sch. ss. 2, 4, 12, 36 (2) substituted; sch. s. 14 applied	54, ss. 9 (3) (4), 57, schs. 4 Part III, 5.
c. 38 ...	Telegraph Act, 1899 ...	S. 2 (1) (2) amended (S.) ...	43, s. 381, sch. 14.
c. 44 ...	Small Dwellings Acquisition Act, 1899.	Ss. 9 (3), 12 (2) repealed; 12 (1) (a), (4) amended (S.)	43, s. 381, sch. 14.
63 & 64 Vict.: c. 14 ...	Colonial Solicitors Act, 1900.	S. 1 amended (S.) ...	35, ss. 56 (1) (4), 74, sch. 11 Part I.
c. 27 ...	Railway Employment (Prevention of Accidents) Act, 1900.	S. 12 repealed ...	49, ss. 75, 128, sch. 11 Part II, sch. 15 Part I.
c. 28 ...	Inebriates Amendment (Scotland) Act, 1900.	S. 1 (1) (2) amended ...	43, s. 381, sch. 14.
c. 49 ...	Town Councils (Scotland) Act, 1900.	Ss. 4 (1) (2) (4) (5) (7) (10)-(12) (14)-(19), 5, 6, 9-23 (so far as unrepealed), 33-46, 48-93, 96 (so far as unrepealed) -107, 109-117, schs. II-VI repealed; 8 amended	43, ss. 378, 381, schs. 13, 14.
c. 54 ...	Lunacy Board (Scotland) Salaries and Clerks Act, 1900.	Restricted (<i>prosp.</i>) ...	27, s. 49 (3).
1 Edw. 7: c. 24 ...	Burgh Sewerage Drainage and Water Supply (Scotland) Act, 1901.	Ss. 1-2 (so far as unrepealed), 3, 4 (so far as unrepealed), repealed; 5 amended	43, s. 381, sch. 14.
2 Edw. 7: c. 35 ...	Electric Lighting (Scotland) Act, 1902.	S. 1 amended ... Repealed ...	43, s. 381, sch. 14. 54, s. 57, sch. 5.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
3 Edw. 7 : c. 9 ...	County Councils (Bills in Parliament) Act, 1903.	Repealed (S.) ...	43, s. 381, sch. 14.
c. 25 ...	Licensing (Scotland) Act, 1903.	Ss. 5 (1) substituted, 8 (4) (6) amended	43, ss. 365, 381, sch. 14.
c. 33 ...	Burgh Police (Scotland) Act, 1903.	Ss. 22, 36, 38 (1) (2), 42, 46-9, 55, 56 in part, 94-6, 103 (10), 104 (2) (a) (r) (t) (v) (w) repealed; 3, 44, 60, 62, 104 (2) (g), sch. amended, 60 excluded	43, ss. 218 (1), 378, 381, sch. 13, 14.
c. 34 ...	Town Councils (Scotland) Act, 1903.	Ss. 76-8, 93 (6) repealed, 16-22 applied (<i>prosp.</i>) Repealed so far as unrepealed	53, ss. 45 (2), 109, sch. 9 Part II. 43, s. 381, sch. 14.
4 Edw. 7 : c. 7 ...	Finance Act, 1904 ...	Sch. applied ...	35, s. 3 (3).
c. 19 ...	Railways (Private Sidings) Act, 1904.	S. 3 repealed ...	49, ss. 75, 128, schs. 11 Part II, 15 Part I.
c. 24 ...	Wireless Telegraphy Act, 1904.	Continued to 31 December, 1948	[11 Geo. 6] 1.
5 Edw. 7 : c. 4 ...	Finance Act, 1905 ...	S. 5 (1) extended (aircraft)	35, s. 58 (2).
6 Edw. 7 : c. 14 ...	Alkali, &c., Works Regulation Act, 1906.	S. 24 repealed (S.) ...	43, s. 381, sch. 14.
c. 49 ...	Census of Production Act, 1906.	Repealed ...	39, s. 19 (4).
7 Edw. 7 : c. 9 ...	Territorial and Reserve Forces Act, 1907.	S. 23 (4) excluded (jury)	31, s. 7 (4).
c. 13 ...	Finance Act, 1907 ...	S. 10 (1) amended, (2) applied	35, ss. 52 (4), 53 (3).
c. 27 ...	Advertisements Regulation Act, 1907.	Ss. 3 (6), 6 (4) repealed (S.) Repealed (<i>prosp.</i>) ... Repealed (S.) (<i>prosp.</i>) ...	43, s. 381, sch. 14. 51, ss. 113, 120, sch. 9 Part II. 53, s. 109, sch. 9 Part II.
c. 29 ...	Patents and Designs Act, 1907.	Ss. 29, 58 A saved ...	44, s. 3 (2).
c. 40 ...	Notification of Births Act, 1907.	Ss. 1 (6) repealed, 4 (3) amended (S.) (<i>prosp.</i>) S. 1 (6) repealed (S.) ...	27, s. 74, sch. 11 Parts I, II. 43, s. 381, sch. 14.
c. 41 ...	Whale Fisheries (Scotland) Act, 1907.	S. 7 repealed ...	43, s. 381, sch. 14.
c. 48 ...	Qualification of Women (County and Town Councils) (Scotland) Act, 1907.	Repealed so far as unrepealed	43, s. 381, sch. 14.
c. 49 ...	Vaccination (Scotland) Act, 1907.	Repealed (<i>prosp.</i>) ...	27, ss. 26 (5), 74, sch. 11 Part II.
c. 53 ...	Public Health Acts Amendment Act, 1907.	S. 91 repealed (<i>prosp.</i>) ...	51, ss. 113, 120, sch. 9 Part II.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
8 Edw. 7 : c. 13 ...	Polling Districts (County Councils) Act, 1908.	Repealed (S.) ...	43, s. 381, sch. 14.
c. 36 ...	Small Holdings and Allotments Act, 1908.	Act repealed with saving so far as relating to small holdings, ss. 50 repealed, 39 (4), 40 (1) in part (2) (3), 48 applied	48, ss. 61 (8), 67, 110, schs. 8 Part I, 13.
c. 48 ...	Post Office Act, 1908...	S. 49 (8) (g) repealed ; 49 (8) (d) amended (S.).	43, s. 381, sch. 14.
c. 51 ...	Appellate Jurisdiction Act, 1908.	S. 13 excluded ... S. 2 (1), sch. amended ...	44, s. 9 (2). [11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 55 ...	Poisons and Pharmacy Act, 1908.	S. 4 (b) amended ...	[11 & 12 Geo. 6] 11, s. 11 (4).
c. 62 ...	Local Government (Scotland) Act, 1908.	Ss. 3 (2)-(7), 6, 9, 14, 16-7, 20 (1), 23 repealed, 1, 3 (1), 4, 10, 11 (4), 19, 20 (2), 28 (2) amended	43, ss. 378, 381, schs. 13, 14.
9 Edw. 7 : c. 30 ...	Cinematograph Act, 1909.	Ss. 6, 8 (3) amended (S.)	43, s. 381, sch. 14.
c. 34 ...	Electric Lighting Act, 1909.	S. 21 repealed (S.) ...	43, s. 381, sch. 14.
c. 44 ...	Housing, Town Planning, &c., Act, 1909.	Ss. 1, 3-9, 12-4, 20, 24, 25 certain definitions, 26 (1), sch. 1 repealed ; ss. 2, 23 amended	54, s. 57, schs. 4 Part I, 5.
c. 47 ...	Development and Road Improvement Funds Act, 1909.	Sch. 1 as applied by any enactment repealed (S.). S. 10 applied ... S. 10 applied (S.)...	43, s. 381, sch. 14. 51, s. 47 (1). 53, s. 44 (1).
10 Edw. 7 & 1 Geo. 5 : c. 8 ...	Finance (1909-10) Act, 1910.	Ss. 77, 79 amended, 58 (2) provisos, 73 applied	35, ss. 50 (2) (3), 52 (2) (b), 54 (6).
c. 24 ...	Licensing (Consolidation) Act, 1910.	S. 14 extended ...	35, s. 73.
1 & 2 Geo. 5 : c. 2 ...	Revenue Act, 1911 ...	S. 15 applied ...	35, s. 54 (6).
c. 24 ...	Pensions (Governors of Dominions, etc.) Act, 1911.	S. 12 (1) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 34 ...	Railway Companies (Accounts and Returns) Act, 1911.	Ss. 1 (1) (a), 2 (2), 4, 8, 9 (1) amended, 1, 5 (1) applied	[11 & 12 Geo. 6] 12, ss. 1-4, sch.
c. 48 ...	Finance Act, 1911 ...	Act excluded ...	49, s. 94 (6).
c. 52 ...	Rag Flock Act, 1911 ...	S. 13 (2) applied ... S. 1 (6) (c), (8) (c) repealed (S.)	35, s. 52 (2) (h). 43, s. 381, sch. 14.
c. 53 ...	House Letting and Rating (Scotland) Act, 1911.	S. 7 (7) amended, (4) (5) saved	43, ss. 235 (1), 370, 381, sch. 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
1 & 2 Geo. 5 : c. 55 ...	National Insurance Act, 1911.	S. 64 repealed (<i>prosp.</i>) as to Scotland S. 80 (12) (13) repealed ; 64 (2), 80 (4) amended (S.)	27, s. 74, sch. 11 Part II. 43, s. 381, sch. 14.
c. 57 ...	Maritime Conventions Act, 1911.	Ss. 1-3 applied, 8 applied as modified	44, ss. 6, 30, 38 (2).
2 & 3 Geo. 5 : c. 3 ...	Shops Act, 1912 ...	Ss. 13 (3), 16, 20 amended (S.)	43, s. 381, sch. 14.
c. 19 ...	Light Railways Act, 1912.	S. 5 (5) repealed (S.) ...	43, s. 381, sch. 14.
3 & 4 Geo. 5 : c. 17 ...	Fabrics (Misdescription) Act, 1913.	Ss. 5 (3), 7 (3) amended (S.)	43, s. 381, sch. 14.
c. 20 ...	Bankruptcy (Scotland) Act, 1913.	S. 12 applied ... Ss. 183 (2), 184 (3) repealed S. 118 (1) amended (<i>prosp.</i>) Repealed (<i>prosp.</i>) ...	14, s. 33, sch. 4 paras. 6, 7 (4). 43, s. 381, sch. 14. 47, s. 115 (1). 27, s. 74, sch. 11 Part II.
c. 26 ...	Highlands and Islands (Medical Service) Grant Act, 1913.	S. 3 (3) amended ...	43, s. 381, sch. 14.
c. 32 ...	Ancient Monuments Consolidation and Amendment Act, 1913.	Ss. 21 (2), 23 (2) amended (S.)	43, s. 381, sch. 14.
c. 33 ...	Temperance (Scotland) Act, 1913.	Saved, s. 5 (4) amended ...	43, ss. 21 (5), 145, 381, sch. 14.
c. 37 ...	National Insurance Act, 1913.	S. 41 (2) repealed ; 41 (1) amended (S.)	43, s. 381, sch. 14.
c. 38 ...	Mental Deficiency and Lunacy (Scotland) Act, 1913.	Ss. 14, 23, 25 (1) (b) (h), 27, 28 (2), 30, 35, 41-2, 49, 51 except as regards private mental hospitals, 52-3, 55 (3) (4), 58, 63, 64 (4), 68, 71 (1), 72 repealed, 4 (1), 15 (3), 25 (1) (d) (2), 31 (b), 39 (2), 55 (1), 57, 70 amended, 25 (1), 28 (1) applied, 25 (1) (e), 26, 31 (g). 33 substituted, 29 (4) added, 25 (1) (c), 31 (a)-(c) (d) in part (j) in part restricted (<i>prosp.</i>) S. 30 (2) repealed ; 27 (2), 68 (4) (7) amended	27, ss. 49 (1) (5), 50, sch. 9 Parts I, II. 43, s. 381, sch. 14.
4 & 5 Geo. 5 : c. 10 ...	Finance Act, 1914 ...	S. 13 (2) amended ...	35, s. 50 (1).
c. 17 ...	British Nationality and Status of Aliens Act, 1914.	Applied ... S. 8 (1) proviso amended S. 8 extended (Ceylon) ...	[11 Geo. 6] 3, s. 2 (1), sch. 1. [11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4, sch. 2.

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4 & 5 Geo. 5 : c. 31 ...	Housing Act, 1914 ...	S. 1 (2) amended (S.) ...	43, s. 381, sch. 14.
c. 39 ...	County, Town, and Parish Councils (Qualification) (Scotland) Act, 1914.	Repealed	43, s. 381, sch. 14.
c. 46 ...	Milk and Dairies (Scotland) Act, 1914.	Ss. 10 (so far as unrepealed), 23, 26, 30 repealed	43, s. 381, sch. 14.
c. 53 ...	Special Constables (Scotland) Act, 1914.	S. 2 amended	43, s. 381, sch. 14.
c. 58 ...	Criminal Justice Administration Act, 1914	S. 5 amended (exchange control)	14, s. 34, sch. 5 Part II para. 3 (2) (b) (c).
c. 59 ...	Bankruptcy Act, 1914	S. 4 (1) applied	14, s. 33, sch. 4 para. 6.
		Ss. 33 (1), 40-1, 44 (1) amended, 54 applied (<i>prosp.</i>)	47, s. 115.
c. 74 ...	Local Government (Adjustments) (Scotland) Act, 1914.	Repealed	43, s. 381, sch. 14.
5 & 6 Geo. 5 : c. 57 ...	Prize Courts Act, 1915	S. 4 amended	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 64 ...	Notification of Births (Extension) Act, 1915.	Ss. 2, 3 (1) (b) repealed as to Scotland (<i>prosp.</i>) S. 2 amended (S.) ...	27, s. 74, Sch. II Part II. 43, s. 381, sch. 14.
c. 91 ...	Midwives (Scotland) Act, 1915.	Ss. 22 (4), 28 definitions of "local authority" and "district" repealed, Act and ss. 16 amended, 5 applied, (<i>prosp.</i>) S. 25 repealed	27, ss. 23, 74, sch. II Parts I, II. 43, s. 381, sch. 14.
6 & 7 Geo. 5 : c. 12 ...	Local Government (Emergency Provisions) Act, 1916.	Ss. 16 repealed, 5 (b) amended (S.) (<i>prosp.</i>)	27, s. 74, sch. II Parts I, II.
		Ss. 13 (1), 22 (2) repealed, 22 (1) amended (S.)	43, ss. 378, 381, schs. 13, 14.
c. 38 ...	Small Holding Colonies Act, 1916.	S. 10 repealed (<i>prosp.</i>) ...	48, ss. 63 (3), 110, sch. 13.
c. 43 ...	War Charities Act, 1916	S. 2 (7) repealed; 11 (e) amended (S.)	43, s. 381, sch. 14.
c. 58 ...	Registration of Business Names Act, 1916.	Ss. 3 (1), 18 (1), 22, sch. amended, ss. 1 (d) added, 7 applied, 3 (1), 5 proviso, 13 applied as modified, 14 extended (<i>prosp.</i>)	47, ss. 58, 116, 123, sch. 9 Part II.
c. 65 ...	Ministry of Pensions Act, 1916.	S. 6 (1) amended ...	44, s. 39, sch. 2.
c. 69 ...	Public Authorities and Bodies (Loans) Act, 1916.	Repealed as to Scotland ...	43, ss. 378, 381, schs. 13, 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
7 & 8 Geo. 5 : —	Air Force Act (as amended).	Ss. 68 (2) (e), 124, 138 (8), 145 amended, 132 (3A), 137 (5), 144A, 145A, 163 (1) (jj) added Ss. 190 (4) (e) repealed, 41, 43, 54 (8) (9), 73 (3), 130 (5), 132 (2), 136, 137 (4), 175 (12), 176 (11), 179D, 180 (1), 183, 184B amended, 134 (3) applied Ss. 54 (8), 179D, 180 (1), 184B, 190 (21A) repealed, 13, 54 (9), 59-60, 64 (4), 68, 94, 122 (6), 130 (5), 132, 134-5, 136 (1), 137 (4), 143 (1), 154 (5) (7), 156 (8), 162 (3), 163, 168-9, 170 (3), 175 (4) (7) (11A) (12), 176 (3) (8B) (11), 177, 180 (3), 181, 190 (4) (5) (5A) (23A) (24) (33) (35) amended S. 190 (23) amended (<i>prosp.</i>)	25, ss. 3-7, 10. 30, s. 12, sch. 3. [11 Geo. 6.] 3 s. 5, sch. 2 Parts II, IV. [11 Geo. 6.] 7 s. 2. 39, s. 19 (4).
c. 2 ...	Census of Production Act, 1917.	Repealed	39, s. 19 (4).
c. 51 ...	Air Force (Constitution) Act, 1917.	Sch. 2, Part I applied ... S. 10 (1) amended ...	25, s. 8. 44, s. 39, sch. 2.
c. 64 ...	Representation of the People Act, 1918.	S. 43 (8) (11), sch. 6, para. 8 amended, sch. 9 saved (S.)	43, ss. 127 (7), 381, sch. 14.
8 & 9 Geo. 5 : c. 29 ...	Maternity and Child Welfare Act, 1918.	Ss. 4, 5 (2) amended (S.) (<i>prosp.</i>)	27, s. 74, sch. 11 Part II.
c. 40 ...	Income Tax Act, 1918	Ss. 33 (2) extended, 32, 107 applied, Rules 6, 7 of Rules applicable to cases I and II of schedule D modified	35, ss. 19 (1), 23 (5), 24 (3), 25, sch. 8 para. 3.
c. 48 ...	Education (Scotland) Act, 1918.	Ss. 3, 32, sch. 3 repealed	43, ss. 109 (4), 381, sch. 14.
9 & 10 Geo. 5 : c. 21 ...	Ministry of Health Act, 1919.	S. 7 (1) amended	44, s. 39, sch. 2.
c. 32 ...	Finance Act, 1919 ...	S. 8 (2) (3) extended ...	35, s. 3 (4) (6).
c. 46 ...	Police Act, 1919 ...	S. 13 (2) repealed (S.) ...	43, s. 381, sch. 14.
c. 50 ...	Ministry of Transport Act, 1919.	S. 17 (2) saved (S.) ... S. 26 (1) substituted ... Ss. 19, 23 repealed ...	43, s. 104 (2). 44, s. 39 (2). 49, ss. 6 (11), 75, 128, schs. 11 Part II, 15 Part I.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
9 & 10 Geo. 5 : c. 57 ...	Acquisition of Land (Assessment of Compensation) Act, 1919.	S. 5 (2) excluded (S.) Ss. 7 (2) repealed, 5 (2) restricted (<i>prosp.</i>) Act, ss. 2 Rules (2)-(4) applied, Rule (5) amended and excluded, 5 (2) restricted, 1, 3, 5, 6, 8 applied as modified. Act, s. 2 Rule (5) amended, ss. 2, Rules (2)-(5) applied, 5(2) restricted, 1, 3, 5, 6, 8 applied as modified (S.)	42, s. 2 (9) 48, ss. 16 (3), 110, sch. 13. 51, ss. 9 (3), 19 (4), 56, 57, 62 (1), 91 (3) (4), 110 (1), sch. 4. 53, ss. 7 (3), 17 (4), 53-4, 59 (1), 87, 105-6.
c. 58 ...	Forestry Act, 1919 ...	S. 3 applied ...	21, ss. 1 (1), 3 (1).
c. 59 ...	Land Settlement (Facilities) Act, 1919.	S. 2 (3) amended ... Act repealed with saving as to small holdings, ss. 8, 17 applied.	44, s. 39, sch. 2. 48, s. 67, sch. 8 Part I.
c. 60 ...	Housing, Town Planning, &c., (Scotland) Act, 1919.	S. 47 repealed ...	43, s. 381, sch. 14.
c. 72 ...	Rats and Mice (Destruction) Act, 1919.	S. 5 (3) repealed ; 9 (1) (b) amended (S.)	43, s. 381, sch. 14
c. 85 ...	Mental Deficiency and Lunacy Amendment Act, 1919.	Repealed (S.) (<i>prosp.</i>) ... Repealed so far as unrepealed (S.)	27, s. 50, sch. 9 Part II. 43, s. 381, sch. 14.
c. 91 ...	Ministry of Agriculture and Fisheries Act, 1919.	Ss. 2-10, schedules repealed, 11 (2) amended	48, ss. 76 (1), 110, sch. 13.
c. 92 ...	Aliens Restriction (Amendment) Act, 1919.	S. 1 continued to 31 December, 1948	[11 Geo. 6] 1.
c. 97 ...	Land Settlement (Scotland) Act, 1919.	S. 2 continued to 31 December, 1948.	[11 Geo. 6] 1.
c. 99 ...	Housing (Additional Powers) Act, 1919.	S. 8 repealed (S.) ...	43, s. 381, sch. 14.
c. 100 ...	Electricity (Supply) Act, 1919.	S. 21 amended ... S. 21 amended (S.) (<i>prosp.</i>). Ss. 5-9, 12-3, 15 (2) (4), 16-20, 23-4, 26-8, 29 (2), 30, 32, 35, 36 certain definitions, sch. repealed; ss. 10-1, 15 (1), 21-2, 31, amended ; 29 (4) added ; 16 saved	51, s. 113, sch. 8. 53, s. 109, sch. 8. 54, ss. 55 (6), 57, schs. 4 Part I, 5.
10 & 11 Geo. 5 : c. 18 ...	Finance Act, 1920 ...	Ss. 13, 18, 21 (1) (3), sch. 2 paras. 1, 4 amended ; sch. 2 para. 6 substituted S. 3 (1) (2) amended, sch. 1 Part I substituted	35, ss. 8 (1) (2) (4), 9, 15 (2) (3) (5). [11 & 12 Geo. 6] 9, s. 2, sch. 2.
c. 36 ...	Pensions (Increase) Act, 1920.	S. 6 repealed ... S. 2 (3), sch. para. 1 amended	5, ss. 1 (2), 3, sch. 2. 7, s. 4.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
10 & 11 Geo. 5 :			
c. 41 ...	Census Act, 1920 ...	Ss. 7, 9 (2) amended (S.) ...	43, s. 381, sch. 14.
c. 45 ...	Public Libraries (Scotland) Act, 1920.	S. 1 (1) amended ...	43, s. 381, sch. 14.
c. 49 ...	Blind Persons Act, 1920	S. 4 (1) (c) substituted ...	43, s. 377 (6).
c. 67 ...	Government of Ireland Act, 1920.	Ss. 9 (2) (d) repealed (<i>prosp.</i>), 4, 6 excluded, 4 (14), 8 (8), 47 restricted, 69 extended, 48 modified	37, ss. 1, 3, 5-9, 14.
c. 72 ...	Roads Act, 1920 ...	S. 1 saved (S.) ...	43, s. 195 (b).
c. 75 ...	Official Secrets Act, 1920.	S. 11 (1) proviso (a) amended	[11 Geo. 6] s. 5, sch. 1 Part I.
c. 80	Air Navigation Act, 1920.	Ss. 1-3 repealed, 7 (2) substituted, 13 restricted S. 19 (1) (a) (b) amended (S.)	18, ss. 1 (5), 3 (4), 7-8, sch. 43, s. 381, sch. 14.
11 & 12 Geo. 5 :			
c. 7 ...	Tribunals of Inquiry (Evidence) Act, 1921.	Applied ...	48, s. 69 (2) (3).
c. 31 ...	Police Pensions Act, 1921.	S. 22 (5) repealed (S.) ...	43, s. 381, sch. 14.
c. 32 ...	Finance Act, 1921 ...	S. 32 applied ...	35, s. 20 (1).
c. 48 ...	Corn Production Acts (Repeal) Act, 1921.	Sch. para. (6) amended	48, s. 76 (2).
c. 55 ...	Railways Act, 1921 ...	Ss. 78 (6) (so far as relating to local authorities), 83 (c) repealed (S.) Ss. 19, 22 (3), 27, 37 (2), 58-9, 61 (2), 67 (<i>prosp.</i>), 75, 80 (2) repealed; 16 (4), 20 (4), 21, 24 (1) (3) (4), 35, 37 (1), 38 (2), 41, 65, 66 (1), 77 (3), 80 (3) amended; 63 (1) modified; 72 (2), 77 (1) applied, 38, 77 excluded	43, s. 381, sch. 14. 49, ss. 20 (1), 6 (iv) (b), 72, 75, 82 (1), 83, 86, 94 (6), 96-7, 128, schs. 11 Part II, 15 Parts I-III.
c. 58 ...	Trusts (Scotland) Act, 1921.	S. 4 extended ...	21, s. 4 (2).
c. 64 ...	Poor Law Emergency Provisions (Scotland) Act, 1921.	Ss. 2 (2) (3), 3 (4) proviso (ii), repealed; 2 (1) amended	43, s. 381, sch. 14.
12 & 13 Geo. 5 :			
c. 17 ...	Finance Act, 1922 ...	S. 21 applied ...	35, s. 31 (2).
c. 21 ...	Treaties of Washington Act, 1922.	S. 5 (1) amended ...	[11 Geo. 6] s. 5, sch. 1 Part I.
c. 35 ...	Celluloid and Cinematograph Film Act, 1922.	S. 4 (2) repealed; 10 (1) amended (S.)	43, s. 381, sch. 14.
c. 46 ...	Electricity (Supply) Act, 1922.	Ss. 29, 30 (2) (d) repealed, 2, 5 (1) (2), 30 (2) (c) amended, 5 restricted (S.) Ss. 1-10, 12-22, 24, 26-30, sch. repealed; ss. 11, 25 (1) amended; 7 applied	43, ss. 191 (1) (3) (e), sch. 14. 54, ss. 25 (1), schs. 4 Part 1, 5.
c. 51 ...	Allotments Act, 1922 ...	S. 14 applied ...	48, s. 65 (5).

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
12 & 13 Geo. 5 : c. 52 ...	Allotments (Scotland) Act, 1922.	Ss. 18 repealed, 16 applied	43, ss. 191 (4), 192, 381, sch. 14.
c. 54 ...	Milk and Dairies (Amendment) Act, 1922.	S. 14 (f) (h) amended (S.)	43, s. 381, sch. 14.
13 & 14 Geo. 5 : c. 9 ...	Agricultural Holdings Act, 1923.	Ss. 1-5, 8, 10, 11 (3), 12-4, 16 (2), 25 (2) (a) (b), 26, 29 proviso, 33, 49 (3)-(5), 50, 52-3, 56 (2), 57 (1) certain definitions (3), sch. 1 repealed; 9 (1) (3), 11 (2), 16 (1), 22, 27 (1), 29-30, 37, 40-1, 43, 49 (1), schs. 2, 3 amended; ss. 6, 31, 57 definition of "holding" substituted; 57 definition of "building" added; 3 (3), 25 applied; 20 (3) (5) extended; 28, 43-5 saved; 54 excluded (<i>prosp.</i>)	48, ss. 22 (3), 28, 29 (6), 30 (7), 31 (9), 33 (3), 35 (4), 41 (3), 43, 44 (6) (8), 45, 46 (2), 110, schs. 7, 13.
c. 11 ...	Special Constables Act, 1923.	S. 3 extended ...	[11 & 12 Geo. 6] 10, s. 2, sch. 2 para. 1.
c. 13 ...	Rent Restrictions (Notices of Increase) Act, 1923.	S. 3 (6) repealed (S.) ...	43, s. 381, sch. 14.
c. 14 ...	Finance Act, 1923 ...	S. 28 continued ... S. 19 (2) (4) amended ...	35, s. 17. [11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 20 ...	Mines (Working Facilities and Support) Act, 1923.	S. 19 extended (Ceylon) (<i>prosp.</i>) Applied as modified (S.) ...	[11 Geo. 6] 7, s. 4, sch. 2. 53, s. 78 (4).
c. 24 ...	Housing, &c., Act, 1923	S. 2 (6) amended (S.) ...	43, s. 381, sch. 14.
c. 32 ...	Rent and Mortgage Interest Restrictions Act, 1923.	S. 18 (4) repealed (S.) ... Restricted... ...	43, s. 381, sch. 14. 48, s. 45, sch. 7 para. 23.
c. 41 ...	Town Councils (Scotland) Act, 1923.	Repealed ...	43, s. 381, sch. 14.
14 & 15 Geo. 5 : c. 24 ...	Isle of Man (Customs) Act, 1924.	S. 4 continued ...	50, s. 5.
c. 36 ...	Local Authorities Loans (Scotland) Act, 1924.	Repealed ...	43, ss. 378, 381, schs. 13, 14.
c. 37 ..	Agricultural Wages (Regulation) Act, 1924.	Ss. 2 (4) (6), 3, 5, 6, 8 (1) (a)-(d) (f) repealed, 2 (1)-(3) (5), 11, sch. 1 para. 6 amended, ss. 2 (1), 16 (1) definition of "agriculture" extended, 2 (2) saved, 7 (5)-(7) applied, 4 restricted, 2 powers of agricultural wages committees transferred to Agricultural Wages Board	15, ss. 1, 2 (3), 3 (7), 4, 8 (1), 9 (1), 12, schs. 2 Part I, 3.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
15 & 16 Geo. 5 : c. 15 ...	Housing (Scotland) Act, 1925.	Ss. 66, 68 (2) (3), 69 (2), 93, 95, 96 (2), 99, 101 repealed, 70 (1), 96 (1) amended, 71, sch. 4 excluded S. 72 forestry dedication covenants to be treated as dispositions	43, ss. 261 (5), 381, sch. 14. 21, s. 2 (1) (c).
c. 18 ...	Settled Land Act, 1925	S. 20 (1) (i) restricted ... Sch. 3 Part I applied ... Ss. 71, 73, sch. 3 Part II extended	34, s. 2 (2). 48, s. 42 (1). 51, ss. 29 (7), 71 (4).
c. 20 ...	Law of Property Act, 1925.	Ss. 28 extended, 79 saved, 84 excluded S. 140 (2) amended, 99 restricted (<i>prosp.</i>)	21, ss. 1, 2 (1). 48, ss. 30 (7), 45, sch. 7.
c. 22 ...	Land Charges Act, 1925	S. 28 extended ... Ss. 10 (1), 15 (6) extended (<i>prosp.</i>) S. 15 (6) applied ...	51, s. 71 (4). 48, ss. 12 (6), 41 (3). 51, ss. 30 (3), 39 (2).
c. 23 ...	Administration of Estates Act, 1925.	S. 10 extended ... S. 9 modified ...	54, s. 16 (4). 51, s. 64 (5).
c. 24 ...	Universities and College Estates Act, 1925.	Powers extended ...	21, s. 2 (2) (4).
c. 36 ...	Finance Act, 1925 ...	S. 26 (5) applied ... Ss. 26, 31 extended ... S. 5 (2) (3) (5), sch. 2 Part III para. 5 repealed, ss. 4, 5 (1), 15 (1) (2), sch. 2 Part III para. 8 amended, sch. 2 Part I substituted S. 26 extended (Ceylon) (<i>prosp.</i>)	48, s. 42 (2). 51, s. 71 (4). 35, ss. 5, 15 (1), sch. 2, Parts I, III.
c. 39 ...	Agricultural Returns Act, 1925.	Repealed (E.) (S.) (<i>prosp.</i>)	[11 Geo. 6] 7, s. 4, sch. 2. 48, ss. 78 (8), 110, sch. 13.
c. 42 ...	Merchant Shipping (International Labour Conventions) Act, 1925.	S. 5 (2) repealed ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 44 ...	Statutory Gas Companies (Electricity Supply Powers) Act, 1925.	Repealed ...	54, s. 57, sch. 5.
c. 47 ...	Fire Brigade Pensions Act, 1925.	Act repealed, ss. 10 (6), 11-3, 16 made applicable for purposes of Firemen's Pension Scheme	41, ss. 26 (2) (j), 39, schs. 3, 6.
c. 49 ...	Supreme Court of Judicature (Consolidation) Act, 1925.	Ss. 99 extended, 206 saved Part III applied (<i>prosp.</i>) S. 63 (1) restricted ... S. 14 (2) repealed; 12 (2) amended (S.)	14, s. 33, sch. 4 para. 3. 47, s. 96 (1). 51, s. 92 (4). 43, s. 381, sch. 14.
c. 50 ...	Theatrical Employers Registration Act, 1925.	Repealed (<i>prosp.</i>)	51, ss. 113, 120, sch. 9 Part II.
c. 52 ...	Advertisements Regulation Act, 1925.	Repealed (S.) (<i>prosp.</i>)	53, s. 109, sch. 9 Part II.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
15 & 16 Geo. 5: c. 56 ...	Isle of Man (Customs) Act, 1925.	Ss. 5 and (as amended) 7 continued	50, s. 5.
c. 68 ...	Roads Improvement Act, 1925.	S. 5 (1) proviso (b) (7) amended, 5 excluded	51, ss. 13, 113, 120, schs. 2, 8, 9 Part II.
c. 71 ...	Public Health Act, 1925	Ss. 5 (7), 12 (a) amended (S.) (<i>prosp.</i>)	53, s. 109, sch. 9 Part II.
c. 75 ...	Public Health (Scotland) Amendment Act, 1925.	Ss. 30-34 excluded ...	51, s. 13, sch. 2.
c. 82 ...	Roads and Streets in Police Burghs (Scotland) Act, 1925.	Repealed (<i>prosp.</i>) ...	27, s. 74, sch. 11 Part II.
c. 86 ...	Criminal Justice Act, 1925.	S. 2 amended ...	43, s. 381, sch. 14.
c. 89 ...	Education (Scotland) Act, 1925.	Ss. 1 (3) restricted, 2 (5) (b), 5 (1), 8 (b), 9 (1) (c) amended	38, s. 2, sch.
		Repealed ...	43, s. 381, sch. 14.
16 & 17 Geo. 5: c. 5 ...	Allotments (Scotland) Act, 1926.	Repealed ...	43, s. 381, sch. 14.
c. 9 ...	Economy (Miscellaneous Provisions) Act, 1926.	S. 13 (3) amended ...	47, s. 45 (5).
c. 11 ...	Law of Property (Amendment) Act, 1926.	Sch. amended (<i>prosp.</i>) ...	51, ss. 113, 120, sch. 9 Part II.
c. 27 ...	Isle of Man (Customs) Act, 1926.	S. 8 continued ...	50, s. 5.
c. 40 ...	Indian and Colonial Divorce Jurisdiction Act, 1926.	Ss. 1 (4) amended, 2 saved Ss. 1A, 1B repealed, 1 (5) amended	30, s. 17 (2) (4). [11 Geo. 6] 3, s. 5, sch. 2 Part I.
		S. 1 (4) amended ...	[11 Geo. 6] 7, s. 3 (2).
c. 45 ...	Fertilisers and Feeding Stuffs Act, 1926.	Ss. 17 (3), 28 (c) repealed; 28 (b) amended (S.)	43, s. 381, sch. 14.
c. 47 ...	Rating (Scotland) Act, 1926.	Ss. 1, 3, 4, 7, 9, 12 (8), 14 (4), 15-17, 19-24, 25 (so far as unrepealed), 27, 28, 29 (3)-(5), sch. 2 repealed; 11, 29 (1) amended	43, s. 381, sch. 14.
c. 51 ...	Electricity (Supply) Act, 1926.	Ss. 1-23, 25-32, 34 (7), 36-42, 46-9, 51 (1) certain definitions, (2)-(5), schs. 1-4, 5-6 in part, 7 repealed; ss. 24, 34 (1), 35, 44 (1) (2) amended; 15, sch. 4 saved	54, ss. 55 (6), 57, schs. 4 Part I, 5.
c. 52 ...	Small Holdings and Allotments Act, 1926.	Act repealed with saving as to smallholdings, ss. 11 applied, 2, 5-7, 13-4 continued in part (<i>prosp.</i>)	48, s. 67, sch. 8.
c. 54 ...	Wireless Telegraphy (Blind Persons Facilities) Act, 1926.	S. 2 (2) substituted ...	43, s. 377 (7).
c. 56 ...	Housing (Rural Workers) Act, 1926.	S. 8 (g) amended (S.) ...	43, s. 381, sch. 14.

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17 & 18 Geo. 5 : c. 10 ...	Finance Act, 1927 ...	Ss. 41 applied as modified 42 (4) applied S. 6 amended ...	35, s. 67, sch. 10 para. 10 (3) (4). [11 & 12 Geo. 6] 9, s. 4, sch. 4.
c. 17 ...	Midwives (Scotland) Act, 1927.	Ss. 4 (3), 5, 16 (2) repealed (<i>prosp.</i>) S. 8 amended ...	27, s. 74, sch. 11 Part II. 43, s. 381, sch. 14.
c. 37 ...	Road Transport Light- ing Act, 1927.	S. 1 (4) saved ...	16, s. 1 (3).
c. 40 ...	Indian Church Act, 1927	Repealed as to Burma	[11 Geo. 6] 3. s. 5, sch. 2 Part I.
18 & 19 Geo. 5 : c. 13 ...	Currency and Bank Notes Act, 1928.	S. 11 repealed ...	14, s. 44 (3).
c. 17 ...	Finance Act, 1928 ...	Ss. 2 rate of rebate in- creased, 23 (4) (a) (b) applied S. 7 (c) amended ...	35, ss. 1 (1), 68 (2). 43, s. 381, sch. 14.
c. 29 ...	Slaughter of Animals (Scotland) Act, 1928.	S. 26, 35 (h) repealed (S.)	43, s. 381, sch. 14.
c. 31 ...	Food and Drugs (Adul- teration) Act, 1928.	S. 11 repealed (<i>prosp.</i>) ...	51, ss. 113, 120, sch. 9 Part II.
c. 32 ...	Petroleum (Consolida- tion) Act, 1928.	Ss. 11, 24 (2) repealed (S.) (<i>prosp.</i>)	53, s. 109, sch. 9 Part II.
c. 35 ...	Easter Act, 1928 ...	Sch. Part I amended ...	[11 Geo. 6] 3. s. 5, sch. 2 Part I.
19 & 20 Geo. 5 : c. 4 ...	Electricity (Supply) Act, 1928.	Repealed ...	54, s. 57, sch. 5.
c. 8 ...	Appellate Jurisdiction Act, 1929.	S. 2 amended ... S. 1 (2) (5) amended ...	11. [11 Geo. 6] 3. s. 5, sch. 2 Part I.
c. 16 ...	Pensions (Governors of Dominions, &c.) Act, 1929.	Ss. 3 (2) repealed, 3 (1) amended, 2 applied	[11 & 12 Geo. 6] 12, ss. 1 (2), 4, sch.
c. 17 ...	Local Government Act, 1929.	Sch. 11, para. 12 (4) re- pealed	49, s. 128, sch. 15 Part I.
c. 23 ...	Companies Act, 1929 ...	Ss. 5 (2)-(7) with saving, 17, 37 (1) proviso (3), 44 (2), 54 (2), 82 (4), 108 (5), 110 (2), 117 (4), 126-7, 128 (3) (5), 132 (2) (3) (6), 133 (3), 134 (3), 136 (3) (4), 137 with saving, 145 (1) (d), 148, 164, 217 with saving, 275 (4) (5), 277 (4) (8) with saving, 278 (3),	47, ss. 1-2, 4 (3), 5 (5) (6), 6, 7 (1), 9 (5), 10-1, 13 (7), 21 (3) (4), 22, 23 (2), 24 (7), 27, 28 (2), 32, 33 (1), 36, 38 (10), 39, 40 (1), 41 (5), 42-3, 44 (4), 46 (5).

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
19 & 20 Geo. 5 : c. 23 ...	Companies Act, 1929— <i>cont.</i>	<p>284 (2), 306 (3) repealed ; 27 (1) (3), 29 (4), 35, 42 (3), 46 (1) (d) (2) (5), 54 (1) (e), 56 (1), 60, 61 (2), 66 (2), 67 (2), 78, 79 (3), 80 (3), 88 (2), 89 (2), 92, 93 (1) (c) (4), 95 (1), 96 (2), 97 (1), 104 (3), 108-10, 112 (2) (3), 113 (2) (9), 115, 117 (2) (4) (5), 123 (2), 124, 128, 129 (3), 130, 131 (4), 132 (1) (4), 133 (1), 134 (1) (2), 135 (1) (2), 136 (2), 140, 144, 145 (3) (4) (a), 150 (3) (4), 152, 155 (2), 181 (2), 182 (2) (3), 195 (4) (5), 199 (7), 216 (1), 221 (1) (2), 226, 230, 235, 240 (2), 244, 250, 264 (1), 266, 268-9, 271 (1) (3), 272-3, 274 (1), 275 (1)-(3) (7), 277, 280 (2), 284, 295 (7), 298 (1) (2), 308 (2), 309, 311, 321 (1), 334, 344 (1) (b), 346 (2), 348 (3) (4), 354, 355 (1), 372 (4), 375 (2), 379, schs. 3-5, 9, 10 amended ; ss. 19 (2), 112 (1), 115 (1) (a), 135 (3), 145 (4) (e) (ii), 264 (7) substituted ; 94 (1) (bb), 150 (4A) (4B) added ; 5, 40 (3), 135, 149 (3), 280 (2), 308 (2), 313, 351, sch. 10 modi- fied ; ss. 4, 35, 37 (2), 79 (2) (d), 104 (3), 117 (5), 118 (1), 128, 354 (2), 355 (1) excluded ; 1 (1), 7 (2) (3), 15 (1), 19 (4) (5), 22, 27 (2), 40 (3), 45, 46 (1) (d), 130, 135 (3)-(6) as modified, 145 (4) (b) (d) (e), 153, 170 (1) (a) (i), 180, 244-5, 248 (1) (a), 260 (1) pro- viso, 264 (3), 267 (2) (6), 275, 298 (3) (5), 305, 313 (2), 314, 315 (1), Part VIII, 338 (1), 353, 362, 365-8, 373-8, 384, sch. 10 applied ; 18, 27 (3), 73, 115, 134, 136 (1) (2), 314 (1) proviso, 345, 347 (1) extended ; 137, 155 (1), 314 restricted ; 135, 143 saved (<i>prosp.</i>)</p>	<p>50 (2), 52-3, 55-7, 60-2, 63 (6), 64 (1), 65 (4), 67, 69 (2), 71, 72 (4), 73, 74 (2), 76 (1), 77-9, 81-2, 84 (7), 85 (6), 86, 87 (3), 89, 91, 93-7, 100 (2), 101, 105-14, 117 (3), 120, 122-3, schs. 1- 2, 4-9.</p>

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
19 & 20 Geo. 5 : c. 25 ...	Local Government (Scotland) Act, 1929.	S. 26 <i>see</i> Ss. 11 (8), 18 (3), 27-8, 64 (b) repealed, 14 (1) (4), sch. 1 amended, ss. 29, 66, 68 extended, 10 (7), 11 (4), 14 (8)-(10), 15 (1), 23 (2), 52, 70 (1) (b), sch. 5 para. 2, sch. 7 Part II applied (<i>prosp.</i>) Ss. 2 (2), 3 (2), 5 (5) (7), 6 (1) (2) (4), 7-9, 10 (4) (5) (7) (8), 11 (1)-(3) (7) (9) (10), 12 so far as unrepealed, 13-7, 18 (1)-(5), 19, 21-3, 25, 26 (1)-(7), 33, 35-40, 42-3, schs. 3, 4 repealed, ss. 12, 14, 19 (1), 25, Part III applied	22, s. 3 (6). 27, ss. 20 (1), 53 (4) (5) (7), 55 (1), 74, 76 (1), sch. 5 para. 1, sch. 11 Parts I, II. 43, ss. 38 (2), 105 (4), 108 (2), 191-2, 212 (2), 214 (3) (5), 215, 224, 378, 381, schs. 13, 14.
c. 27 ...	Savings Banks Act, 1929	S. 14 (1) (b) amended, (3) restricted S. 4 (2) amended ...	6, ss. 2, 4 (2) (b). 35, s. 74, sch. 11 Part I.
c. 29 ...	Government Annuities Act, 1929.	Transfer of rights in annuities and insurance restricted.	14, s. 28 (1) (2).
c. 33 ...	Bridges Act, 1929 ...	S. 8 (1) repealed; 8 (2) amended (S.)	43, s. 381, sch. 14
c. 35 ...	Fire Brigade Pensions Act, 1929.	Repealed ...	41, s. 39, sch. 6.
20 & 21 Geo. 5 : c. 1... ..	Isle of Man (Customs) Act, 1929.	S. 3 continued ...	50, s. 5.
c. 13 ...	Highlands and Islands (Medical Service) Additional Grant Act, 1929.	Repealed (<i>prosp.</i>) ...	27, s. 74, sch. 11 Part II.
c. 24 ...	Railways (Valuation for Rating) Act, 1930.	Applied as modified ...	49, s. 34.
c. 28 ...	Finance Act, 1930 ...	S. 48 restricted ...	35, s. 69.
c. 40 ...	Housing (Scotland) Act, 1930.	S. 39 (3) amended ... Ss. 49 (1) definition of "town planning scheme" repealed; 12 (2), 18 (2), 21 (3) amended (<i>prosp.</i>)	43, s. 381, sch. 14. 53, s. 109, sch. 9 Part II.
c. 43 ...	Road Traffic Act, 1930	Ss. 11-2, 15 applied ... S. 119 (2) repealed, (3) amended (S.) Ss. 63 (1), 69 applied, 72-6 excluded	8, s. 2 (1) proviso. 43, s. 381, sch. 14. 49, ss. 55 (7), 57 (1), 65 (1).
21 & 22 Geo. 5 : c. 16 ...	Ancient Monuments Act, 1931.	S. 2 repealed (<i>prosp.</i>) ... Ss. 2, 16 (4) repealed, 16 (1) amended (S.) (<i>prosp.</i>)	51, ss. 113, 120, sch. 9 Part II. 53, s. 109, sch. 9 Part II.
c. 17 ...	Local Authorities (Publicity) Act, 1931.	Restricted, s. 1 (1) (3) amended (S.)	43, ss. 191 (3) (f), 381, sch. 14.
c. 48 ...	Agricultural Land (Utilisation) Act, 1931.	Ss. 1-4 repealed (<i>prosp.</i>) ...	48, ss. 91, 110, sch. 13.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
22 & 23 Geo. 5 : c. 8 ...	Import Duties Act, 1932	Ss. 4 (1), 21 (1) amended S. 4 extended (Ceylon) (<i>prosp.</i>)	[11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4, sch. 2.
c. 12 ...	Destructive Imported Animals Act, 1932.	Ss. 4, 5 (4) repealed (<i>prosp.</i>)	48, s. 110, sch. 13.
c. 16 ...	Isle of Man Customs Act, 1932.	Ss. 2 (1), 11 para. (b) amended S. 2 extended (Ceylon) (<i>prosp.</i>)	[11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4, sch. 2.
c. 22 ...	Army and Air Force (Animal) Act, 1932.	S. 15 (1) excluded ...	25, s. 2 (2).
c. 28 ...	Public Health (Cleansing of Shellfish) Act, 1932.	S. 3 (b) amended (S.) ...	43, s. 381, sch. 14.
c. 37 ...	Solicitors Act, 1932 ...	S. 35 (1) amended ...	35, ss. 56 (1), 74, sch. 11 Part I.
c. 41 ...	Isle of Man (Customs) (No. 2) Act, 1932.	S. 9 continued ...	50, s. 5.
c. 48 ...	Town and Country Planning Act, 1932.	Repealed (<i>prosp.</i>) ...	51, ss. 113, 120, sch. 9 Part II.
c. 49 ...	Town and Country Planning (Scotland) Act, 1932.	S. 37 (2) repealed ; 37 (1), 48 (1) (2), 49 amended Repealed (<i>prosp.</i>) with saving	43, s. 381, sch. 14. 53, s. 109, schs. 9 Part II, 10.
23 & 24 Geo. 5 : c. 6 ...	Visiting Forces (British Commonwealth) Act, 1933.	S. 4 (2) applied ... Ss. 3, 4, 8 definition of "Visiting force" extended (Ceylon) (<i>prosp.</i>)	33, s. 3 (1). [11 Geo. 6] 7, s. 4, sch. 2.
c. 9 ...	Assurance Companies (Winding up) Act, 1933.	S. 2 (4) as substituted amended (<i>prosp.</i>)	47, s. 118 (3).
c. 14 ...	London Passenger Transport Act, 1933.	Ss. 3 (1) (2) (4), 15, 29 (4), 31, 34 (4), 36 (1), 37, 42-3, 46-9, sch. 9 paras. 4 (a), 5, sch. 10 repealed; ss. 21, 26 (2), 29, 30 (2) proviso, 34, 35 (2) proviso, 89 (11) (c) (17) amended ; 21 applied	49, ss. 2 (4) (b), 86, 128, sch. 15 Parts I, II.
c. 19 ...	Finance Act, 1933 ...	S. 9 extended ... Sch. 5 para. 2 (d) amended	35, s. 5 (5) (8). [11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 21 ...	Solicitors (Scotland) Act, 1933.	Ss. 23 repealed, 7, 14, 17 (2), 20 (1) (2) amended	35, s. 74, sch. 11 Part I.
c. 25 ...	Pharmacy and Poisons Act, 1933.	S. 19 (3) proviso (a) amended (S.) (<i>prosp.</i>) S. 25 applied (E.) ...	27, s. 74, sch. 11 Part I. 29, s. 4.
c. 36 ...	Administration of Justice (Miscellaneous Provisions) Act, 1933.	S. 4 repealed ...	44, s. 39, sch. 2.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
23 & 24 Geo. 5: c. 40 ...	Isle of Man (Customs) Act, 1933.	S. 4 continued and extended Sch. 4 para. 2 (d) amended	50, ss. 4, 5 [11 Geo. 6] 3. s. 5, sch. 2 Part I.
c. 46 ...	Electricity (Supply) Act, 1933.	Repealed	54, s. 57, sch. 5
c. 51 ...	Local Government Act, 1933.	Act extended, Part IX applied as modified, ss. 91 restricted, 290 (2) (3) (5) applied Ss. 163-5 modified, 290 (2) (3) applied Sch. 7 amended, ss. 163 excluded, 290 (2)-(5) applied Ss. 218 definition of "sanctioning authority" amended, 290 (2)-(5) extended	41, ss. 7 (1), 8 (3) (4), 33 (2). 48, ss. 64, 87, sch. 12 para. 4 (3). 51, ss. 42 (4), 104, 113, 120, sch. 9 Part II 54, ss. 57, 66 (1) sch. 5.
c. 53 ...	Road and Rail Traffic Act, 1933.	S. 36 (2) amended (S.) (<i>prosp.</i>) Ss. 15 (2)-(9), (12) (<i>prosp.</i>), 16 (2), 23 (2) (<i>prosp.</i>), 46, sch. 2 repealed; 15 (13) (<i>prosp.</i>), 16 (4), 22 (<i>prosp.</i>), 29 (1) 37 (11), 39 (2) (3) (5) amended, 8 (1), 12, 18-9, 34-5 extended, 1, 10 (2) proviso, 16 (3) excluded, 8 (1) (a)-(d), 16 (1), 21 applied	27, s. 74, sch. 11 Part I. 49, ss. 6 (11), 52 (1), 59, 60, 73, 83, 128, sch. 15 Parts I, III.
24 & 25 Geo. 5: c. 28 ...	Gas Undertakings Act, 1934.	S. 34 amended (S.) ...	43, s. 381, sch. 14.
c. 29 ...	Unemployment Assistance Act, 1934.	S. 48 applied as modified, Act modified Ss. 54 (1) definitions of "Medical needs", "Medical or Surgical" repealed, 53 (2), sch. 8 paras. 1, 3 amended (S.) (<i>prosp.</i>)	19, ss. 2, 3 (7) (9), 11 (2), sch. 11 (2), sch. 11 Part II.
c. 30 ...	Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.	Ss. 1, 2 continued to 31 December, 1948	[11 Geo. 6] 1.
c. 31 ...	Debts Clearing Offices and Import Restrictions Act, 1934.	Continued to 31 March 1949	[11 Geo. 6] 1.
c. 32 ...	Finance Act, 1934 ...	S. 2 (1) (2) (4) repealed ...	35, s. 74, sch. 11 Part I.
c. 41 ...	Law Reform (Miscellaneous Provisions) Act, 1934.	S. 3 applied	44, s. 24 (3) (4).
c. 47 ...	Colonial Stock Act, 1934	Extended (Ceylon) (<i>prosp.</i>)	[11 Geo. 6] 7, s. 4, sch. 2.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
24 & 25 Geo. 5 : c. 49 ...	Whaling Industry (Regulation) Act, 1934.	S. 17 (1) amended ... S. 17 definition of "British ship to which this Act applies" restricted S. 6 applied, 6 (5) (b) amended S. 16 amended (S.) (<i>prosp.</i>)	[11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4, sch. 2. 8, ss. 2 (1), 3. 27, s. 74, sch. 11 Part I. [11 Geo. 6] 1.
c. 50 ...	Road Traffic Act, 1934	S. 1 continued to 31 December, 1948 S. 7 (5) amended ...	43, s. 381, sch. 14.
c. 52 ...	Poor Law (Scotland) Act, 1934.	S. 99 extended ...	14, s. 33, sch. 4 para. 3.
c. 53 ...	County Courts Act, 1934.	Ss. 44 modified, 75 (1) (2) amended Ss. 1 (1) (a), 4 (1) amended, 4 (3), 10 saved (dog racing) (<i>temp.</i>) Ss. 20 (1) definitions of "planning scheme" repealed, "planning authority" substituted, 6 (2) (4), 7 (1) amended (<i>prosp.</i>) Ss. 20 definition of "planning scheme" repealed, 7 (1), 31 (2) (3) amended, 31 (4A) (9) added (S.) (<i>prosp.</i>) Sch. 1 para. 3 amended ...	44, ss. 20 (2), 39, sch. 2. 20. 51, s. 113, sch. 8. 53, s. 101, sch. 8. [11 & 12 Geo. 6] 9, s. 6 (3).
c. 58 ...	Betting and Lotteries Act, 1934.	Repealed ...	54, s. 57, sch. 5.
25 & 26 Geo. 5 : c. 3... ...	Electricity (Supply) Act, 1935.	S. 96 (10) (d) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 8 ...	Unemployment Insurance Act, 1935.	S. 3 saved	14, s. 34, sch. 5 Part III para. 1.
c. 15	Post Office (Amendment) Act, 1935.	Ss. 6 (2), 9 (1) (2) (4) amended (<i>prosp.</i>)	37, s. 9 (4) (7), sch. 1.
c. 21 ...	Northern Ireland Land Purchase (Winding Up) Act, 1935.	S. 9 extended ...	41, ss. 8 (8), 36 (12).
c. 23 ...	Superannuation Act, 1935.	Ss. 2 (7) (d) amended, 10 made variable by order (exposed cinematograph film)	35, ss. 7 (1), 8 (3) (4).
c. 24 ...	Finance Act, 1935 ...	Part II applied to Crown Part II applied (<i>prosp.</i>)...	44, s. 4 (2). 47, s. 65 (4).
c. 30 ...	Law Reform (Married Women and Tortfeasors) Act, 1935.	Repealed ...	43, s. 381, sch. 14.
c. 36 ...	Public Health (Water and Sewerage) (Scotland) Act, 1935.	Ss. 76 (3), 79 (2) (3) repealed Ss. 14 (2), 17 (3), sch. 5 amended (<i>prosp.</i>)	43, s. 381, sch. 14. 53, s. 109, schs. 8, 9 Part II.
c. 41 ...	Housing (Scotland) Act, 1935.		

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure.
25 & 26 Geo. 5 : c. 47 ...	Restriction of Ribbon Development Act, 1935.	S. 13 modified (S.) S. 25 (12) amended (S.)... Ss. 1-3, 5-12, 15, 18 (1) proviso, (2), 19 (2)-(4), 23 (1), 24 (1) certain definitions (2), schs. 1-3 repealed; ss. 4, 13 (3) (a) amended; 19 (5) saved Ss. 1-3, 5-12, 15, 19 (2), 23 (1), 24 (1) in part (2), 25 (6) (13) (14), schs. 1-3 repealed; ss. 4, 13 (3) (a), 25 (2) (5) (11) amended; 25 (4) substituted; 1, 2 applied (S.) (<i>prosp.</i>)	42, s. 1 (1) (b), sch. 1. 43, s. 381, sch. 14. 51, ss. 44, 47 (2), 113, 120, schs. 8, 9 Part II. 53, ss. 46 (4) (b), 109, schs. 8, 9 Part II.
26 Geo. 5 & 1 Edw. 8 : c. 2... ..	Government of India Act, 1935.	Ss. 278, 288 (2)-(4) with saving, repealed; Act, s. 311 (5) applied as modified Ss. 170 (7), 311 (4) repealed, 311 (5) applied	30, ss. 8 (2) (3), 14, 16, 18 (3). [11 Geo. 6] 3, ss. 5 (2) (3), sch. 2 Part I.
c. 3 ...	Government of Burma Act, 1935.	Repealed	[11 Geo. 6] 3, ss. 4 (2), 5 (3), sch. 2 Part I.
c. 20 ...	Electricity Supply (Meters) Act, 1936.	Ss. 2 (4) repealed, 1 (4), 3 (2) (3), 5 (2) amended	54, ss. 52, 57, sch. 4 Part I.
c. 25 ...	Pensions (Governors of Dominions, &c.) Act, 1936	S. 3 (1) amended ...	[11 & 12 Geo. 6] 12, s. 1 (1).
c. 31 ...	Old Age Pensions Act, 1936.	S. 13 (1) (c) amended (S.) (<i>prosp.</i>)	27, s. 50, sch. 9 Part II.
c. 32 ...	National Health Insurance Act, 1936.	S. 194 repealed (S.) ... S. 129 (1) amended ...	43, s. 381, sch. 14. [11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 33 ...	Widows', Orphans' and Old Age Contributory Pensions Act, 1936.	S. 44 (3) amended (S.) (<i>prosp.</i>)	27, s. 50, sch. 9 Part II.
c. 34 ...	Finance Act, 1936 ...	S. 28 (2) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 42 ...	Education (Scotland) Act, 1936.	Repealed	43, s. 381, sch. 14.
c. 43 ...	Tithe Act, 1936 ...	Sch. 2 para. 8 amended ...	44, s. 39, sch. 2
c. 44 ...	Air Navigation Act, 1936.	Ss. 5 (4) repealed, 6, sch. 5 amended Ss. 26 (5), 32 (5), sch. 4 Part II repealed	18, s. 8, sch. 44, s. 39, sch. 2
c. 45 ...	Isle of Man (Customs) Act, 1936.	S. 3 continued	50, s. 5.
c. 48 ...	Health Resorts and Watering Places Act, 1936.	Restricted, s. 1 (2) (b) repealed, 1 (1) amended (S.)	43, ss. 191 (3) (g), 381, sch. 14.

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26 Geo. 5 & 1 Edw. 8 : c. 49 ...	Public Health Act, 1936	S. 61 (2) amended ... S. 287 extended ... Ss. 343 (1) definition of "planning scheme" repealed; 53 (1) (ii), 107 (1) amended; 276, 289, 292, 294 made applicable by regs.; 276 applied, 107 excluded (<i>prosp.</i>)	39, s. 14 (1). 41, s. 1 (2). 51, ss. 13, 24 (5), 26 (5), 113, 120, schs. 2, 8, 9 Part II.
c. 51 ...	Housing Act, 1936 ...	Ss. 188 (1) definition of "planning scheme" repealed, 16 (4), 35 (2) amended (<i>prosp.</i>)	51, ss. 113, 120, schs. 8, 9 Part II.
c. 52 ...	Private Legislation Procedure (Scotland) Act, 1936.	Ss. 11 (1)-(5) repealed, 2 modified	43, ss. 306 (7), 381, sch. 14.
1 Edw. 8 & 1 Geo. 6 : c. 5 ...	Trunk Roads Act, 1936	S. 12 (15) repealed (S.) ... S. 4 (2)-(5), sch. 4 paras. 1-4 repealed; schs. 2, 4 paras. 5-7 amended; ss. 4 (1) substituted, 6 (8) saved S. 4 (2)-(5), sch. 4 paras. 1-4 repealed, sch. 4 paras. 5-7 amended, ss. 12 (4) (9) substituted, 6 (8) saved (S.) (<i>prosp.</i>)	43, s. 381, sch. 14. 51, ss. 44, 47 (2), 113, 120, schs. 8, 9 Part II. 53, ss. 44 (2), 109, schs. 8, 9 Part II.
c. 9 ...	India and Burma (Existing Laws) Act, 1937	S. 1 (2) repealed ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 27 ...	County Council Association Expenses (Amendment) Act, 1937.	Amended ...	13.
c. 28 ...	Harbours, Piers and Ferries (Scotland) Act, 1937.	Saved, s. 21 (1) amended	43, ss. 155, 381, sch. 14.
c. 30 ...	Maternity Services (Scotland) Act, 1937.	Ss. 1-3, 5, sch. 1 repealed, 6 (2), 9 definition of "local authority" substituted (<i>prosp.</i>)	27, s. 74, sch. 11 Parts I, II.
c. 37 ...	Children and Young Persons (Scotland) Act, 1937.	S. 28 (1) (a) excluded (<i>temp.</i>) Ss. 35 (2), 102 (2) repealed; 35 (1), 101 (3) amended	36. 43, s. 381, sch. 14.
c. 38 ...	Ministers of the Crown Act, 1937.	Ss. 1 (2) (a), 2 (2) (a), 10 definition of "Parliamentary Under-Secretary" amended	[11 Geo. 6] 5.
c. 43 ...	Public Records (Scotland) Act, 1937.	S. 5 saved ...	43, s. 353 (2).
c. 46 ...	Physical Training and Recreation Act, 1937.	S. 10 (8) repealed; 10 (5) (7) amended (S.)	43, s. 381, sch. 14.

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
1 Edw. 8 & 1 Geo. 6 : c. 53 ...	Agricultural Wages (Regulation) (Scotland) Act, 1937.	Ss. 2 (3)-(5) (7)-(9), 3, 5, 8 (1) (a) (c) repealed, 2 (1) (2) (6) (8), sch. paras. 6, 7 amended, ss. 2 (1) extended, 2 (2) saved, 4 restricted, 7 (5)-(7) applied, 2 powers of agricultural wages committees transferred to Scottish Agricultural Wages Board	15, ss. 1, 3 (7), 4, 10-2, schs. 1 Part II, 3.
c. 54 ...	Finance Act, 1937 ...	Ss. 19 (3), 21, 23, sch. 4 paras. 3 (1), 12 repealed, s. 19 (1), sch. 4 paras. 4, 11, 13 (c) amended, sch. 4 para. 7 (1A) added, ss. 19 restricted and applied, 23 (1), sch. 4 para. 7 (1) substituted, ss. 22 modified, 22 (1), sch. 4 paras. 2, 3 (2) applied, sch. 5 Part II applied as modified	35, ss. 30 (1), 31 (1) (2), 32, 33 (5), 38, 40 (2), 42, 43 (1), 45-6, 63 (1), 67, 74, sch. 1 Parts I, III, 10 para. 10 (5), 11 Part II.
c. 57 ...	Matrimonial Causes Act, 1937.	S. 8 applied	30, s. 17 (3).
c. 64 ...	Isle of Man (Customs) Act, 1937.	S. 3 continued	50, s. 5.
c. 68 ...	Local Government Superannuation Act, 1937.	Sch. 1 Part II para. 2 repealed Part I extended	41, ss. 8 (7), 39, sch. 6.
c. 69 ...	Local Government Superannuation (Scotland) Act, 1937.	Sch. 1 Part II para. 2 repealed	41, s. 39, sch. 6.
c. 70 ...	Agriculture Act, 1937	Saved Ss. 15 (2) amended, Act modified (<i>prosp.</i>)	43, s. 96. 48, ss. 76 (3), 97, 110, sch. 13.
1 & 2 Geo. 6 : c. 6 ...	Air Raid Precautions Act, 1937.	S. 13 (11) repealed; 13 (10) amended (S.)	43, s. 381, sch. 14.
c. 11 ...	Blind Persons Act, 1938.	S. 2 (2) amended (S.) (<i>prosp.</i>)	27, s. 74, sch. 11 Part II.
c. 12 ...	Population (Statistics) Act, 1938.	Continued to 31 December, 1948	[11 Geo. 6, 1.
c. 13 ...	Superannuation (Various Services) Act, 1938.	Excluded	C.A.M. No. 2 s. 17 (1).
c. 32 ...	Prevention and Treatment of Blindness (Scotland) Act, 1938.	Repealed (<i>prosp.</i>) ...	27, s. 74, sch. 11 Part II.
c. 46 ...	Finance Act, 1938 ...	Ss. 44-6 repealed... ..	35, ss. 32 (2), 74, sch. 11 Part II.
c. 51 ...	Essential Commodities Reserves Act, 1938.	S. 3 repealed	35, s. 74, sch. 11 Part I.
c. 68 ...	Isle of Man (Customs) Act, 1938.	S. 5 continued	50, s. 5.

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1 & 2 Geo. 6 : c. 70 ...	Holidays with Pay Act, 1938.	Ss. 1 (2) proviso repealed, 3 (1) (b) (2) amended, powers of agricultural wages committees transferred to Agricultural Wages Board	15, ss. 1 (5), 7, 10, 12, sch. 3.
c. 72 ...	Fire Brigades Act, 1938	Repealed (<i>prosp.</i>) ...	41, ss. 4, 36 (15), 39, sch. 6.
2 & 3 Geo. 6 : c. 13 ...	Cancer Act, 1939 ...	S. 28 (16) (17) amended (S.)	43, s. 381, sch. 14.
c. 15 ...	Census of Production Act, 1939.	Ss. 1, 2, 7 (a) (c)-(e) repealed (S.) (<i>prosp.</i>)	27, s. 74, sch. 11 Part II.
c. 16 ...	Prevention of Fraud (Investments) Act, 1939.	S. 7 (d) (e) repealed (S.)... Excluded (N.I.) and repealed	43, s. 381, sch. 14. 39, s. 19 (3) (4).
c. 20 ...	Reorganisation of Offices (Scotland) Act 1939.	Ss. 2, 13, sch. amended (<i>prosp.</i>)	47, ss. 117 (1), 118 (1) (2).
c. 21 ...	Limitation Act 1939 ...	S. 2 (8) applied ...	27, s. 49 (3).
c. 22 ...	Camps Act, 1939 ...	S. 30 (1) amended ... Ss. 2, 3 modified, 21 excluded	44, s. 36, sch. 2. 49, s. 11; 54, s. 12.
c. 28 ...	Local Government Amendment (Scotland) Act, 1939.	S. 3 (2) repealed (<i>prosp.</i>)	51, ss. 113, 120, sch. 9 Part II.
c. 31 ...	Civil Defence Act, 1939	Ss. 3 (2) repealed, 2 (1), 7 amended (S.) (<i>prosp.</i>) Repealed ...	53, s. 109, schs. 8, 9 Part II. 43, s. 381, sch. 14.
c. 38 ...	Ministry of Supply Act, 1939.	S. 99 (32) repealed; 99 (33) amended (S.)	43, s. 381, sch. 14.
c. 40 ...	London Government Act, 1939.	S. 70 repealed (<i>prosp.</i>) ...	51, ss. 113, 120, sch. 9 Part II.
c. 41 ...	Finance Act, 1939 ...	Ss. 70 repealed, 91 (17) amended (S.) (<i>prosp.</i>)	53, s. 109, sch. 9 Part II.
c. 43 ...	Prevention of Damage by Rabbits Act, 1939.	S. 42, sch. 1 repealed ... S. 3 (3) repealed ...	54, s. 57, sch. 5. 35, s. 74, sch. 11 Part I.
c. 48 ...	Agricultural Development Act, 1939.	Sch. 5 amended, s. 106 excluded	51, ss. 42 (4), 113, 114 (7), 120, sch. 9 Part II.
c. 50 ...	Prevention of Violence (Temporary Provisions) Act, 1939.	S. 37 amended, sch. 3 para. 12 extended	35, ss. 7, 52 (2) (b), 53 (4).
c. 54 ...	Cotton Industry (Reorganisation) Act, 1939.	Part I repealed, s. 4 applied (<i>prosp.</i>)	48, ss. 98, 110, sch. 13.
		S. 34 (2) amended (<i>prosp.</i>)	48, s. 78 (8).
		Ss. 27 (2) (c) (3) repealed, 27 (2) (b) substituted, 27 (2), 28 (1) (3) amended	[11 & 12 Geo. 6] 10, s. 3 (2).
		Continued to 31 December, 1948	[11 Geo. 6] 1
		Repealed ...	40, s. 16.

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2 & 3 Geo. 6 : c. 62 ...	Emergency Powers (Defence) Act, 1939.	S. 1 (2) (d) amended ... Ss. 3 (1) (b) (2), 5 (2) amended S. 3 (2) definition of "Dominion ship or aircraft" extended (Ceylon)	55. [11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4, sch. 2.
c. 65 ...	Prize Act, 1939 ...	S. 4 (1) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 70 ...	Ships and Aircraft (Transfer Restriction) Act, 1939	Ss. 4, 10 amended ... Restricted	[11 Geo. 6] 3, s. 5, sch. 2 Part I. [11 Geo. 6] 7, s. 4, sch. 2.
c. 81 ...	National Service (Armed Forces) Act, 1939.	S. 3 repealed, Act amended (<i>prosp.</i>) Ss. 1, 10, 11 (1) (a) (c) (d) (h) (2), 12, 14, sch. Part I repealed (Jan. 1, 1949), ss. 4 (1) (2), 5 (1) (9) (11) (13), 6 (1) (5) (6), 8, 11 (1) (b) (f), 13 (1) (3), 15 (2), 18, 21 (3) amended, 11 (3) extended, 13 (4) added, 2 excluded	[11 & 12 Geo. 6] 10, ss. 11-2, 31, ss. 6 (6), 15, 17, 28, schs. 3, 5.
c. 94 ...	Local Government Staffs (War Service) Act, 1939.	S. 1 restricted Saved	31, s. 21. 38, s. 1 (6).
c. 109 ...	Finance (No. 2) Act, 1939.	S. 19 modified, sch. 7 Part I para. 10 amended. Ss. 1, 3 amended, schs. 1, 3 substituted	35, ss. 47 (2) (b), 63 (2). [11 & 12 Geo. 6] ss. 1, 3, schs. 1, 3.
c. 116 ...	Cotton Industry (Reorganisation) (Postponement) Act, 1939.	Repealed	40, s. 16.
c. 117 ...	National Loans Act, 1939.	Treasury powers extended Act, sch. 2 paras. 3-5 extended Sch. 2 paras. 3-5 extended (S.)	26, s. 21 (2). 51, s. 66 (3) (8). 53, s. 63.
3 & 4 Geo. 6 : c. 5 ...	India and Burma (Miscellaneous Amendments) Act, 1940	Ss. 13-6, sch. Part II repealed, s. 17 amended.	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 8 ...	Mental Deficiency (Scotland) Act, 1940.	Ss. 1-3 modified (<i>prosp.</i>)	27, s. 50, sch. 9 Part I.
c. 13 ...	Old Age and Widows' Pensions Act, 1940.	Sch. 2 Part III of sch. 8 paras. 1, 2 amended (S.) (<i>prosp.</i>)	27, s. 74, sch. 11 Part II.
c. 14 ...	Agriculture (Miscellaneous War Provisions) Act, 1940.	Ss. 23 applied, Act modified (<i>prosp.</i>) Ss. 11 "war period" extended, 22 (4) restricted	48, ss. 85 (2), 96. [11 & 12 Geo. 6] 10, ss. 3 (1), 4 (2).

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3 & 4 Geo. 6 : c. 17 ...	Agricultural Wages (Regulation) Amendment Act, 1940.	Repealed	15, ss. 1 (6), 12, sch. 3.
c. 22 ...	National Service (Armed Forces) Act, 1940.	Repealed (Jan. 1, 1949) ...	31, s. 28, sch. 5.
c. 27 ...	Agricultural Wages (Regulation) (Scotland) Act, 1940.	Repealed	15, s. 12, sch. 3.
c. 29 ...	Finance Act, 1940 ...	S. 40 (1) repealed, sch. 6 modified, ss. 55-6 excluded	35, ss. 47 (2) (b), 61 (4), 74, sch. 11 Part II.
c. 35 ...	Indian and Colonial Divorce Jurisdiction Act, 1940.	S. 5 amended	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 40 ...	Colonial Development and Welfare Act, 1940.	S. 1 applied (Malta) ...	9, s. 3.
c. 42 ...	Law Reform (Miscellaneous Provisions) (Scotland) Act, 1940.	S. 3 applied (<i>prosp.</i>) ...	47, s. 65 (4).
c. 43 ...	Merchant Shipping (Salvage) Act, 1940.	Repealed	44, s. 39, sch. 2.
c. 48 ...	Finance (No. 2) Act, 1940.	S. 20 (1), sch. 7 amended, ss. 19 substituted, 21, sch. 8 applied, s. 20 saved	35, ss. 10-2, schs. 4, 6.
		S. 19 amended	[11 & 12 Geo. 6] 9, s. 5.
c. 49 ...	Isle of Man (Customs) Act, 1940.	Ss. 1, 6 continued ...	50, s. 5.
c. 50 ...	Agriculture (Miscellaneous War Provisions) (No. 2) Act, 1940.	S. 1 (2) repealed (<i>prosp.</i>) ...	48, s. 110, sch. 13.
4 & 5 Geo. 6 : c. 15 ...	National Service Act, 1941.	Ss. 1-3, 9-10, 11 (1) (c), 12 (2), 13 (a) repealed (<i>prosp.</i>) (Jan. 1, 1949); 4 (2), 5 (2) (4)-(6), 8 (3), 12 (1) amended; 5 (1A) added	31, ss. 16-7, 28, schs. 3, 5.
c. 16 ...	Isle of Man (Detention) Act, 1941.	Repealed (<i>prosp.</i>) ...	[11 & 12 Geo. 6] 10, ss. 10, 12.
c. 22 ...	Fire Services (Emergency Provisions) Act, 1941.	Expression "the period of the present emergency" defined	41, s. 39, sch. 5.
c. 50 ...	Agriculture (Miscellaneous Provisions) Act, 1941.	S. 9 applied	48, s. 85 (3) (6).
5 & 6 Geo. 6 : c. 4 ...	National Service (No. 2) Act, 1941.	Ss. 1-4, 8, sch. repealed (Jan. 1, 1949)	31, s. 28, sch. 5.
c. 21 ...	Finance Act, 1942 ...	Schs. 7, 8 amended, s. 17 (1) substituted, 17 applied	35, ss. 10-2, 74, schs. 4 Part I, 6, 11 Part I.
		Sch. 11 Part I extended ...	51, s. 66 (6).
		S. 47, sch. 11 Part I extended (S.)	53, s. 63 (6).
		S. 17 (1) amended ...	[11 & 12 Geo. 6] 9, s. 9, sch. 6.

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5 & 6 Geo. 6 : c. 30 ...	National Service (Foreign Countries) Act, 1942.	Repealed (Jan. 1, 1949) ...	31, s. 28, sch. 5.
		S. 1 (1) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 39 ...	India and Burma (Temporary and Miscellaneous Provisions) Act, 1942.	Ss. 5 repealed, 7 amended	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
6 & 7 Geo. 6 : c. 3 ...	National Service Act, 1942.	Ss. 2, 3 repealed (Jan. 1, 1949), 1 (2) amended, 1 extended	31, ss. 15, 17 (2), 28, sch. 5.
c. 5 ...	Minister of Town and Country Planning Act, 1943.	Ss. 6 (1), sch. 1 repealed (<i>prosp.</i>)	51, ss. 113, 120, sch. 9 Part II
c. 14 ...	British Nationality and Status of Aliens Act, 1943.	S. 8 (c) extended (Ceylon)	[11 Geo. 6] 7, s. 4, sch. 2.
c. 10 ...	Agriculture (Miscellaneous Provisions) Act, 1943.	Ss. 9 repealed, 16 applied (<i>prosp.</i>)	48, ss. 85 (3) (6), 110, sch. 13.
c. 21 ...	War Damage Act, 1943	S. 14 excluded (S.) ... Ss. 20 (2) (b), 69 (4) excluded Ss. 20 (2) (b), 69 (4) excluded (S.)	27, s. 9 (7). 51, ss. 53, 56 (4). 53, ss. 50 (1) (3) (5), 53 (4).
c. 23 ...	Railway Freight Rebates Act, 1943.	Ss. 2 (3) repealed, 5 (2) amended, 1 continued	49, ss. 87, 128, sch. 15 Part I.
c. 28 ...	Finance Act, 1943 ...	Ss. 5 (1) (2) (4) (5), sch. 4 Parts I, II repealed, ss. 11 (1), 16 (1) amended, 24 applied, sch. 4 Part III substituted Ss. 2-4, 11 (1), schs. 2, 3 repealed, s. 12 (2) (3) applied	35, ss. 3, 15 (4) (5), 64, 74, sch. 1 Parts I-III. [11 & 12 Geo. 6] 9, ss. 6, 6, sch. 5 para. 3, sch. 6.
c. 29 ...	Town and Country Planning (Interim Development) Act, 1943.	Repealed (<i>prosp.</i>), ss. 4 applied, 7 (2) excluded	51, ss. 61 (4), 113, 120, sch. 9 Part II.
c. 32 ...	Hydro-Electric Development (Scotland) Act, 1943.	Ss. 4, 6 with saving, 18 (2), 19-21, sch. 1 para. 4, sch. 5 repealed, Act, ss. 2 (1), 5 (1) (3) (4) (7), 9 (3), 10 (1), 11 (1) (2) (4), 12 (1)-(3), 14 (1), 15 (1) (3), 16, 17 (1) (3), 18 (1), 22, 23 (1), 26, 27 certain definitions, sch. 1 paras. 1, 5, 14, schs. 2, 4 paras. 2, 3, 4 (a) amended; s. 23 (2), sch. 4 para. 1 substituted; s. 13, sch. 6 extended	54, ss. 38 (4), 47 (6) (7), 57, 66 (2), schs. 4 Part II, 5.
c. 33 ...	Nurses (Scotland) Act, 1943.	S. 2 (3) repealed (<i>prosp.</i>)...	27, ss. 74, 75, sch. 11 Part II.

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6 & 7 Geo. 6 : c. 34 ...	Restriction of Ribbon Development (Temporary Development) Act, 1943.	Act repealed, (<i>prosp.</i>), ss. 1 (1) (4) applied	51, ss. 76 (6), 113, 120, sch. 9 Part II.
c. 37 ...	Isle of Man (Customs) Act, 1943.	Repealed (S.) (<i>prosp.</i>) ...	53, s. 109, sch. 9 Part II.
c. 43 ...	Town and Country Planning (Interim Development) (Scotland) Act, 1943.	Ss. 4 repealed, 1-3 continued	50, ss. 5-6.
c. 44 ...	Rent of Furnished Houses Control (Scotland) Act, 1943.	Repealed except s. 13 ...	53, s. 109, sch. 9 Part II.
		S. 4 (3) repealed ...	43, s. 381, sch. 14.
		Continued to 31 December, 1948	[11 Geo. 6] 1.
7 & 8 Geo. 6 : c. 7 ...	Prize Salvage Act, 1944	S. 2 (1) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 15 ...	Reinstatement in Civil Employment Act, 1944.	Ss. 14, 24 (3) proviso repealed, 1, 4-5, 17, sch. 2 amended, ss. 8, 10, 11 (2) (4), 16, 17 (3) (4), 18-9, 20 definition of Minister, 21, 22 (1) (2) (4) applied as modified (Jan. 1, 1949); Act, ss. 2 (2), 3 (1) modified, 16 applied	31, ss. 12, 13 (2) (4) 28, schs. 2, 5.
c. 21 ...	Pensions (Increase) Act, 1944.	S. 7 (1) amended ...	5, ss. 1 (2), 3, sch. 2.
		Ss. 8 (5), 10 (2) repealed, 1 (1), 3 (1) (a), sch. 2 para. 4 amended, s. 2 (1) (c), sch. 2 paras. 2, 3 substituted, ss. 1 (7), 5 (1) restricted	7, ss. 1, 2, 3 (1).
c. 22 ...	Police and Firemen (War Service) Act, 1944.	S. 4 extended ...	38, s. 1 (4).
c. 23 ...	Finance Act, 1944 ...	S. 6 (3) saved ...	41, s. 39, sch. 5 para. 16.
		Part IV excluded and amended, ss. 28-9, 31 applied, 27 saved	35, s. 46, sch. 7 Parts II, III, sch. 8 Part I.
c. 28 ...	Agriculture (Miscellaneous Provisions) Act, 1944.	Sch. 1 Parts I, III, IV repealed	[11 & 12 Geo. 6] 9, s. 9, sch. 6.
c. 31 ...	Education Act, 1944 ...	Ss. 3, 8 (c) repealed ...	15, s. 12, sch. 3.
c. 36 ...	Housing (Temporary Accommodation) Act, 1944.	S. 41 restricted ...	31, s. 10.
c. 41 ...	House of Commons (Redistribution of Seats) Act, 1944.	S. 8 (1) amended ...	[11 Geo. 6] 6.
C. 43 ...	Matrimonial Causes (War Marriages) Act, 1944.	Sch. 3 amended ...	10.
		S. 4 applied (Ceylon) ...	[11 Geo. 6] 7, s. 4, sch. 2.

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7 & 8 Geo. 6 : c. 47 ...	Town and Country Planning Act, 1944.	Ss. 1-14, 16-8, 20 (3), 21, 31-46, 50-6, 57-62, 65 (1) certain definitions, sch. 1 para. 1 (1) (a) (b) (d), schs. 2, 3, 5 paras. 1-8, 10, sch. 6 para. 12, schs. 7, 8 repealed; ss. 15, 19, 20, 22-4, 26-30, 47 (1), 49, 64, 65 (1) certain definitions, schs. 1, 4-6 amended; ss. 65 (4) added; 23 (4), 25, sch. 4 applied, ss. 57 excluded, 23 saved, Part II modified	51, ss. 39 (4), 44-5, 49 (1) (6), 50, 113, 117, 120, schs. 7-9 Parts I, II, 11.
8 & 9 Geo. 6 : c. 12 ...	Northern Ireland (Miscellaneous Provisions) Act, 1945.	S. 2 (1) amended...	37, s. 13.
c. 15 ...	Licensing Planning (Temporary Provisions) Act, 1945.	Ss. 10 (5), 13 (2) (3) repealed, 10 amended, 13 (1) substituted (<i>prosp.</i>)	51, ss. 113, 120, schs. 8, 9 Part II.
c. 17 ...	Wages Councils Act, 1945.	S. 19 (1) proviso amended	41, s. 17 (5).
c. 18 ...	Local Authorities Loans Act, 1945.	S. 8 applied, Act saved (S.)	43, ss. 260 (1), 296.
c. 20 ...	Colonial Development and Welfare Act, 1945.	S. 1 applied (Malta) ...	9, s. 3.
c. 28 ...	Law Reform (Contributory Negligence) Act, 1945.	Act applied to Crown ...	44, s. 4 (3).
c. 30 ...	Government of Burma (Temporary Provisions) Act, 1945.	Repealed ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 32 ...	Income Tax Act, 1945	S. 4 (6A) added, Act modified in relation to assets transferred under Coal Industry Nationalisation Act, 1946, ss. 39 (1), 62 saved, 26 (1) applied	35, ss. 26, 29, schs. 7, 8 para. 5.
c. 33 ...	Town and Country Planning (Scotland) Act, 1945.	S. 60 (1) (3) repealed; 60 (2) amended Ss. 1-17, 19 (3)-(7), 20, 30-45, 47, 49, 50A except subsection (4), 51-8, 60, 62 (1) certain definitions, sch. 1 para. 1 (1) (a) (b) (d), schs. 2, 3, 5 except para. 8, 7-8 repealed; ss. 18 (1) (3) (5) (8) (10), 19 (1) (4), 21, 22 (1) (4), 23-5, 26 (1), 27 (1) (2) (5), 28-9, 46, 48, 50, 61, schs. 1, 4-6 amended; Part II modified, ss. 22 (5), 62 (1) certain definitions added; 22 (2) (3), 26 (5), 50 (3), 62 (1) certain definitions substituted; 24, 53 (2), sch. 7 para. 4 extended; ss. 50 (2)-(9), 53, sch. 1 paras. 4, 5 excluded; ss. 22 saved, 34-5, sch. 4 applied	43, s. 381, sch. 14 53, ss. 32, 41-2, 46 (1) (6), 47, 100, 109, schs. 5, 7-8, 9 Parts I, II, 10-1.

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8 & 9 Geo. 6 : c. 34 ...	Hydro-Electric Undertakings (Valuation for Rating) (Scotland) Act, 1945.	S. 5 repealed	54, s. 57, sch. 5.
c. 35 ...	Forestry Act, 1945 ...	S. 4 restricted	21, s. 5 (1).
c. 36 ...	Distribution of Industry Act, 1945.	Ss. 6, 9, 10 repealed, sch. 2, Part III para. 8 amended (<i>prosp.</i>) Ss. 6, 9-10 repealed, sch. 2, Part V para. 18 amended (S.) (<i>prosp.</i>)	51, ss. 113, 120, schs. 8, 9 Part II. 53, s. 109, schs. 8, 9 Part II.
c. 37 ...	Education (Scotland) Act, 1945.	Sch. 4 amended (<i>prosp.</i>)... Ss. 44, 87, sch. 4 (so far as it amends ss. 3, 12, 14, 17 of the Local Government (Scotland) Act, 1929 (19 & 20 Geo. 5. c. 25)) repealed	27, s. 74, sch. 11 Part II. 43, s. 381, sch. 14.
c. 42 ...	Water Act, 1945 ...	Sch. 3 paras. 32-4, 38 extended, 36 applied	41, ss. 14 (3) (4) (7), 15 (2).
c. 43	Requisitioned Land and War Works Act, 1945.	S. 26 extended Part III applied to N.I. as modified, s. 61 (2) (8) amended Part VIII, "war period" extended Ss. 41 (7) (8) (c) repealed, 59 (1) definition of "local planning authority" substituted, Part VIII applied, 41 (5) modified Ss. 41 (7) (8) (c) repealed, 60 (3) (12) amended, Part VIII applied (S.)	22, s. 2 (2). 37, s. 12, sch. 2. 41, s. 39, sch. 5 para. 18. 51, ss. 44, 54, 113, 120, schs. 4, 8, 9 Part I. 53, ss. 51, 52 (4), 109, schs. 8, 9 Part I.
9 & 10 Geo. 6 : c. 7 ...	British Settlements Act, 1945.	Applied to Aden	30, s. 16.
c. 10 ...	Supplies and Services (Transitional Powers) Act, 1945.	Ss. 1 (1), 3 extended ...	55.
c. 13 ...	Finance (No. 2) Act, 1945.	Ss. 5 (1) (Jan. 1, 1948), 8 (1) (2) (3) in part (5) (ii) (7), sch. 7 repealed, ss. 8 (3) (4), 34, 51 (9), 52 (5) amended, 39, 41 (1) excluded, 8 (4), 39 (2), sch. 6 para. 5 applied, s. 25 extended (profits tax)	35, ss. 1-2, 46, 66, 74, schs. 8 Part I paras. 6-7, 11 Parts I-III.
c. 15 ...	Public Health (Scotland) Act, 1945.	S. 1 (8) definition of local authority amended (<i>prosp.</i>)	27, s. 74, sch. 11 Part I.

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9 & 10 Geo. 6 : c. 18 ...	Statutory Orders (Special Procedure) Act, 1945.	Ss. 2, 10 applied (S.) ...	42, s. 5 (2).
		S. 8 (2), sch. 2 amended, ss. 2, 6 applied	51, ss. 10 (5), 11 (4), 113 sch. 9 Part II.
		Sch. 2 in part repealed, s. 10 (2) restricted (S.) (<i>prosp.</i>)	53, ss. 8 (5), 32, 109, schs. 5, para. 5, 9 Part II.
c. 26 ...	Emergency Laws (Transitional Provisions) Act, 1946.	S. 4 (2) extended ...	41, s. 39, sch. 5.
		Ss. 3 (2) repealed, 3 (4), 5-9, 11-2, 18 (<i>prosp.</i>) amended, 3 (1) substituted, sch. 1 applied	[11 & 12 Geo. 6] 10, ss. 1 (2), 4-6, 8 (1), 12.
c. 28 ...	Assurance Companies Act, 1946.	S. 7 (3) extended (<i>prosp.</i>)	47, s. 118 (3).
c. 30 ...	Trunk Roads Act, 1946	Ss. 3 (3), 8 (5), 12 (2) repealed; 3 (2), 4 (2), 5 (1) schs. 3, 4 amended; s. 4, sch. 2 applied (<i>prosp.</i>)	51, ss. 8 (1), 113, 120, schs. 8, 9 Part II.
		Ss. 3 (2) proviso (3), 8 (5), 12 (2), 14 (2) repealed, 4 (2), 5 (1), sch. 3 amended; sch. 2 applied (S.) (<i>prosp.</i>)	53, ss. 6 (1), 109, schs. 8, 9 Part II.
c. 31 ...	Ministers of the Crown (Transfer of Functions) Act, 1946.	Sch. 2 amended ...	44, s. 39, sch. 2.
c. 34 ...	Furnished Houses (Rent Control) Act, 1946.	Continued to 31 December, 1948	[11 Geo. 6] 1.
c. 35 ...	Building Restrictions (War-Time Contraventions) Act, 1946.	Ss. 4 (2) repealed, 7 (1) (5) amended (<i>prosp.</i>)	51, ss. 113, 120, schs. 8, 9 Part II.
		Ss. 4 (2) repealed, 8 (2) amended, 8 (5) (c) (d) added, Act applied (S.) (<i>prosp.</i>)	53, ss. 72 (1) (2), 109, schs. 8, 9 Part II.
c. 38 ...	National Service (Release of Conscientious Objectors) Act, 1946.	S. 1 restricted (Jan. 1, 1949), 1 (4) amended	31, ss. 17, 28, schs. 3, 5.
c. 42 ...	Water (Scotland) Act, 1946.	Sch. 4 paras. 19-21, extended, 23 applied Ss. 40, 41 repealed; 39, 42 (1) (d), 45 amended. S. 55 (2) (4)-(10) applied	41, ss. 14 (3) (4) (7), 15 (2), 36 (2). 43, s. 381, sch. 14. 53, s. 71 (6).
c. 45 ...	United Nations Act, 1946.	S. 1 (2) amended ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 46 ...	Police Act, 1946 ...	Applied and restricted ...	41, s. 39, sch. 5 para. 15.

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9 & 10 Geo. 6 : c. 49 ...	Acquisition of Land (Authorisation Procedure) Act, 1946.	Ss. 9 (7) amended, 2 excluded (S.) (<i>prosp.</i>) S. 2 excluded, Act extended Repealed as to Scotland except s. 6 (1), sch. 4 Ss. 1 (1) (b) extended, 2 restricted, 1 (3), sch. 2 applied, sch. 1 para. 3 (1) (a) excluded, sch. 1 Part IV modified and applied (<i>prosp.</i>) Applied except s. 2 ... S. 1 (4) (c), sch. 1 para. 15 (2) repealed; ss. 2 (1) (4) (6), 3 (2), sch. 2 para. 9 amended, s. 3, sch. 1 paras. 9, 11 applied; Act applied as modified; s. 2, sch. 1 paras. 9, 10, sch. 2 paras. 3, 4 excluded, ss. 3 saved, 1 (1) (b) extended (<i>prosp.</i>) Sch. 4 amended ...	27, ss. 57 (4), 74, sch. 11 Part II. 41, ss. 3 (5), 8 (3). 42, s. 8, sch. 5. 48, s. 92, sch. 12 para. 8. 49, s. 8. 51, ss. 5 (4) (c), 37 (4), 38 (3), 39 (5), 41 (4), 42 (2), 43 (3), 45 (3) (4), 49, 113, 120, schs. 8, 9 Part II. 53, s. 109, sch. 9 Part II. 54, s. 9.
c. 53 ...	Licensing Planning (Temporary Provisions) Act, 1946.	S. 3 (4) amended ...	51, s. 113, sch. 8.
c. 57 ...	Burma Legislature Act, 1946.	Repealed ...	[11 Geo. 6] 3, s. 5, sch. 2 Part I.
c. 62 ...	National Insurance (Industrial Injuries) Act, 1946.	Saved ...	41, ss. 26 (2) (i), 27 (5).
c. 64 ...	Finance Act, 1946 ...	Ss. 5 repealed, 11 virtually repealed, 26 (3) (9), 45, sch. 10 Part III para. 7 amended, 29 saved, 30, 37 (1) (a) (b) applied, 55 (2) stamp duties doubled S. 52 extended ... Saved ... S. 69 (4) saved ...	35, ss. 5 (6) (8), 14 (2), 16, 46, 52 (2) (b), 74, schs. 8 Parts I para. 5 (1), II paras. 1 (a), 3, 11 Parts I, II. 54, s. 11 (2). 41, ss. 26 (2) (i), 27 (5). 49, s. 98 (6); 54, s. 54 (6). 42, s. 8, sch. 5. 48, s. 15 (2). 51, ss. 8 (2), 46, 113, 120, schs. 8, 9 Parts I, II. 53, ss. 6 (2), 43, 109, schs. 8, 9 Parts I, II.
c. 67 ...	National Insurance Act, 1946.	S. 4 (4) repealed (S.) ... S. 1 applied ... S. 3 (3) (4), sch. 3 repealed, ss. 3 (2), 4 (7), 5 (1), 6 (3), sch. 4 amended, s. 1 applied Ss. 3 (3) (4), 4 (7), 25 (5) (b) (d) (6) (d), sch. 3 repealed; ss. 4 (7), 5 (1), sch. 5 amended; ss. 25 (5) (a) (8) (c) substituted; 1 applied (S.) (<i>prosp.</i>)	
c. 68 ...	New Towns Act, 1946...		

Session and Chapter	Short title or Subject	How affected	Chapter of 1947 Act or number of Measure
9 & 10 Geo. 6 : c. 70 ...	Civil Aviation Act, 1946	Ss. 26 (2) repealed, 28 (6) amended, 26, 28 excluded (S.) Schs. 3 para. 10, 4 paras. 4, 5, 6 paras. 2, 3 repealed; s. 30 (1), schs. 4 para. 6, 6 para. 4 amended Sch. 3 paras. 10, 14 (c), sch. 4 paras. 4, 5, 6 proviso (b), 14 (b)-(d), sch. 6 paras. 2, 3, 4 proviso (b), 8 (a)-(c) repealed; s. 52 (e) amended (S.)	42, ss. 2 (2), 3 (7), 8, sch. 5. 51, ss. 113, 120 schs. 8, 9 Part I. 53, s. 109, sch. 1 9 Part I.
c. 71 ...	Police (Scotland) Act, 1946.	Sch. 2 applied as modified Ss. 11 (3) repealed, 11 excluded S. 11 (4) amended ...	41, s. 36 (19). 42, ss. 2 (10), 1 sch. 5. 43, s. 381, ss. 14.
c. 72 ...	Education (Scotland) Act, 1946.	Ss. 19 repealed, 56-8, 140 amended, 33 applied (<i>prosp.</i>) S. 1 restricted ... S. 21 (4) repealed ... Ss. 82 (3) repealed, 87 amended, 8, 18, 33, 86 applied, 74 saved	27, ss. 22 (1), 74 sch. 11 Parts I, II. 31, ss. 10, 25 (1). 42, s. 8, sch. 5. 43, ss. 107 (4), 108 (4), 109 (1) (c), 113 (3), 208, 381, sch. 14.
c. 73 ...	Hill Farming Act, 1946	S. 13 applied ... S. 9 (4)-(6) repealed, (2) amended, (3) substituted	32, s. 2. 48, ss. 45, 110, schs. 7, 13.
c. 75 ...	Public Works Loans (No. 2) Act, 1946.	S. 2 applied and amended	[11 & 12 Geo. 6] 13, s. 2.
c. 80 ...	Atomic Energy Act, 1946.	S. 12 saved ...	44, s. 3 (2).
c. 81 ...	National Health Service Act, 1946.	S. 36 (2) (4) (b) applied (S.)	27, s. 37 (2).
10 & 11 Geo. 6 : c. 19 ...	Polish Resettlement Act, 1947.	S. 5 applied ...	[11 & 12 Geo. 6] 11, ss. 2, 4, 11 (2).
c. 22 ...	Civic Restaurants Act, 1947.	S. 2 (1) amended, 2 excluded (S.)	42, ss. 2 (10), 5 sch. 5.
c. 27 ...	National Health Service (Scotland) Act, 1947.	S. 57 (4) repealed, 57 excluded Ss. 53 (6), sch. 5 except para. 6 repealed, 53 (7), sch. 11 amended, s. 27, sch. 5 para. 1 applied	42, ss. 2 (10) 5 sch. 5. 43, ss. 105 (2) (4), 107 (4), 381, sch. 14.
c. 35 ...	Finance Act, 1947 ...	Ss. 10 (1) (3), 30 (1)-(3), 36 (3), 42 amended	[11 & 12 Geo. 6] 9, ss. 5, 7, 9, sch. 6.

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TO THE

PUBLIC GENERAL ACTS

AND

CHURCH ASSEMBLY MEASURES

OF 1947.

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